

UNITED STATES DISTRICT COURT.
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case Nos.
) 4:20-cr-00382-103
vs.) 4:20-cr-00382-104
)
MAAZ AZIZ)
SAAD AZIZ,)
)
Defendants.)

TRANSCRIPT OF DETENTION HEARING
ELECTRONICALLY RECORDED PROCEEDINGS
BEFORE THE HONORABLE CHRISTINA A. NOWAK
UNITED STATES MAGISTRATE JUDGE

September 27, 2021
Sherman, Texas

APPEARANCES OF COUNSEL:

FOR THE UNITED STATES:

MR. ERNEST GONZALEZ
Office of the United States Attorney
101 East Park Boulevard, Suite 500
Plano, Texas 75074
ernest.gonzalez@usdoj.gov

FOR THE DEFENDANT
MAAZ AZIZ:

MR. LUCAS C. WOHLFORD
MR. ROBERT M. CASTLE, III
Duane Morris, LLP - Dallas
100 Crescent Court, Suite 1200
Dallas, Texas 75201
lwohlford@duanemorris.com
rmcastle@duanemorris.com

1 FOR THE DEFENDANT
2 SAAD AZIZ:

3 MR. BRANDON N. MCCARTHY
4 MR. RYAN J. MEYER
5 Katten Muchin Rosenman LLP - Dallas
6 2121 North Pearl Street, Suite 1100
7 Dallas, Texas 75201
8 brandon.mccarthy@katten.com
9 ryan.meyer@katten.com

10 *****
11 APRIL HARGETT, RPR, RVR
12 Federal Official Court Reporter
13 300 Willow Street
14 Beaumont, Texas 77701
15
16
17
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19
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I N D E X

CHRISTOPHER B. DOERING Page

DIRECT EXAMINATION BY MR. GONZALEZ	8
CROSS-EXAMINATION BY MR. CASTLE	72
CROSS-EXAMINATION BY MR. MCCARTHY	130
REDIRECT-EXAMINATION BY MR. GONZALEZ	160
RECROSS-EXAMINATION BY MR. CASTLE	169
RECROSS- EXAMINATION BY MR. MCCARTHY	171
FURTHER REDIRECT EXAMINATION BY MR. GONZALEZ	179
FURTHER RECROSS-EXAMINATION BY MR. CASTLE	184

HAITHAM ISSA

DIRECT EXAMINATION BY MR. CASTLE	188
CROSS-EXAMINATION BY MR. GONZALEZ	193

DUA AZIZ

DIRECT EXAMINATION BY MR. MEYER	202
CROSS-EXAMINATION BY MR. GONZALEZ	205

E X H I B I T S

Page

Defendant Saad Aziz No. A	151
Defendant Saad Aziz No. B	152
Defendant Saad Aziz No. C	152
Defendant Saad Aziz No. D	152
Defendant Saad Aziz No. E	152

1 September 27, 2021

12:10 p.m.

2 ---o0o---

3 ELECTRONICALLY RECORDED

4 PROCEEDINGS

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6 THE COURT: All right. The Court's going to
7 call its remaining individuals on Cause No. 4:20-cr-382
8 at this time, the *United States of America v. Maaz Aziz*,
9 as well as *Saad Aziz*.

10 And, Gentlemen, I apologize if I incorrectly
11 pronounced your names again.

12 I am going to go ahead and ask for an
13 appearance on behalf of the government.

14 MR. GONZALEZ: Your Honor, Ernest Gonzalez
15 for the government. The government's ready to proceed.

16 THE COURT: Thank you. And I will need at
17 least one counsel on behalf of these individuals to come
18 around to those microphones and to make their appearance
19 at this time.

20 MR. WOHLFORD: Good morning, your Honor.
21 Luke Wohlford and with my co-counsel Rob Castle on
22 behalf of Maaz Aziz.

23 THE COURT: Thank you.

24 And then an appearance on behalf of
25 Saad Aziz.

1 MR. MCCARTHY: Your Honor, Brandon McCarthy
2 and Ryan Meyer for Saad Aziz.

3 THE COURT: Okay. And, Mr. Meyer, I
4 apologize. I have Ms. Riley on the docket for this.
5 Have you entered an appearance?

6 MR. MEYER: Yes, your Honor.

7 MR. MCCARTHY: Yes, your Honor.

8 THE COURT: Okay. Thank you. I just have to
9 confirm.

10 MR. MCCARTHY: She's -- yeah. She's at --
11 same firm, yeah.

12 THE COURT: Whether same firms or not --

13 MR. MCCARTHY: Yeah.

14 THE COURT: -- we require every lawyer who is
15 participating to enter an appearance, and so I just have
16 to make sure that you've -- everyone has formally
17 entered their appearance.

18 Okay. So then let me go ahead and turn back
19 to the government.

20 Does the government persist in its request to
21 detain each of these individuals?

22 MR. GONZALEZ: We do, your Honor.

23 THE COURT: And if I could go ahead and
24 ask -- I'm going to need counsel -- if y'all will stay
25 at those microphones for me.

1 Mr. Wohlford, do you and your client continue
2 to request a full hearing?

3 MR. WOHLFORD: Yes, your Honor, we do.

4 THE COURT: And Mr. McCarthy?

5 MR. MCCARTHY: Yes, your Honor, we do.

6 THE COURT: Okay. Now, as it relates
7 to each of these individuals, has both the government
8 and defense counsel had an opportunity to review the
9 pretrial services reports and its recommendations?

10 MR. GONZALEZ: I have, your Honor.

11 THE COURT: And Mr. Wohlford?

12 MR. WOHLFORD: Yes, your Honor, we
13 have.

14 THE COURT: And Mr. McCarthy?

15 MR. MCCARTHY: Yes, your Honor.

16 THE COURT: And other than any information
17 that y'all will bring out during the course of the
18 hearing, are there any errors or omissions in that
19 report that any of you care to bring to the Court's
20 attention at this time?

21 Mr. Gonzalez?

22 MR. GONZALEZ: Not from the government.

23 THE COURT: Mr. Wohlford?

24 MR. WOHLFORD: No, your Honor.

25 THE COURT: And Mr. McCarthy?

1 MR. WOHLFORD: The only addition is
2 Mr. Aziz has been given an offer of employment. We
3 brought that offer letter here. He also has another
4 application pending that's been accepted. That's the
5 only thing that would have changed in the presentence
6 report.

7 THE COURT: Thank you.

8 MR. WOHLFORD: And -- I'm sorry. One more
9 thing. We do have his passports here in our possession,
10 which we're certainly willing to turn over.

11 THE COURT: Let me ask the government at this
12 time: Is this a presumption case?

13 MR. GONZALEZ: It is not a presumption case,
14 your Honor.

15 THE COURT: All right. Then the government
16 may call its first witness.

17 MR. GONZALEZ: The government calls
18 Special Agent Chris Doering.

19 (The witness was duly sworn.)

20 THE COURT: Sir, once you're seated, if I
21 might ask -- if you can please state your full name for
22 the record as well as spell it.

23 THE WITNESS: Christopher B. Doering,
24 C-h-r-i-s-t-o-p-h-e-r, middle initial B., Doering,
25 D-o-e-r-i-n-g.

1 THE COURT: Thank you.

2 Counsel, you may proceed.

3 CHRISTOPHER B. DOERING,
4 called as a witness herein, having been first duly
5 sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. GONZALEZ:

8 Q. Sir, how are you employed?

9 A. I'm a special agent with the FBI out of the Dallas
10 Division on the Dallas Violent Crimes Task Force.

11 Q. How long have you been so employed?

12 A. I've been with the FBI since 2005.

13 Q. Have you received any specialized training with the
14 FBI in regards to your duties?

15 A. Yes, I have.

16 Q. What training have you received?

17 A. I've received training regarding cell phones, the
18 use of cell phones, Title IIIs -- experience in
19 Title IIIs in both analyzing cell phones, the data that
20 comes from cell phones, tactical training, training in
21 investigations, and so on.

22 Q. Have you testified in both federal and state court?

23 A. Yes.

24 Q. If you had to estimate the total times you've
25 testified, how many times have you testified?

1 A. Over ten.

2 Q. Now, you are the lead case agent involving two
3 individuals, Maaz Aziz and Saad Aziz.

4 Do you see those individuals in the courtroom
5 today?

6 A. I do.

7 Q. Could you point to where they're seated and
8 indicate an article of clothing -- to simplify things,
9 let me do this: They're located at this table. Let's
10 say this is Person No. 1, Person No. 2, No. 3, No. 4,
11 No. 5, and No. 6. And if you could identify Mr. Saad
12 Aziz first.

13 A. Mr. Saad Aziz would be Person No. 4, and he also
14 has longer hair.

15 MR. GONZALEZ: And may the record reflect
16 that the witness has identified the defendant Saad Aziz?

17 THE COURT: The record shall so reflect.

18 BY MR. GONZALEZ:

19 Q. Now, can you identify Mr. Maaz Aziz?

20 A. Person No. 2 with a buzzed cut hair.

21 MR. GONZALEZ: And may the record reflect
22 that the witness has identified defendant Maaz Aziz?

23 THE COURT: The record shall so reflect.

24 BY MR. GONZALEZ:

25 Q. Now, sir, are you familiar with the facts that led

1 to the indictment and subsequent arrest of these
2 individuals?

3 A. I am.

4 Q. And have you prepared a PowerPoint in order to
5 assist you in summarizing those facts for the Court here
6 today?

7 A. I have.

8 Q. Okay. If you would proceed and -- and if you could
9 give this Court and the defense counsel a summary of the
10 evidence that was obtained for the presentment of
11 indictment.

12 A. Yes, sir. This PowerPoint is in draft form. The
13 content is subject to change due to further review and
14 analysis, collection of additional evidence. The cell
15 site evidence presented, if there is any, is from a
16 warranted preliminary draft review. The review has not
17 been peer reviewed and is subject to change. All dates,
18 amounts, times, and call links are approximate. This
19 presentation does not include each and every fact of the
20 investigation. Only those facts establish -- necessary
21 to establish detention.

22 Maaz Aziz is with SCS Supply Chain and
23 Gizmobile. He's approximately 28 years of age. He's
24 the principal for Gizmobile. He's the president of SCS
25 Supply Chain. Both him and his brother Maaz are

1 involved in the operations of SCS Supply Chain. No
2 criminal history. The Texas Workforce Commission has
3 shown since January of 2019, 30- to \$35,000 per quarter
4 from SCS Supply Chain.

5 Saad Aziz, 34 years of age, principal for SCS
6 Supply Chain. Both Maaz and Saad, again, brothers are
7 involved in the operations of the company. No criminal
8 history, and the same TWC reportings for SCS Supply
9 Chain.

10 George Israel, 32 years of age. No Texas
11 Workforce history. And he has worked for -- a work Visa
12 and refugee status until June of 2020.

13 This investigation is focused on the new
14 devices that are obtained through the gray market, which
15 is essentially from robbery, theft, fraud, and warehouse
16 transit. In this conspiracy, RJ Telecom, their goal was
17 to obtain these new devices -- these stolen new devices
18 for export to the U.A.E. and Hong Kong. RJ Telecom
19 relied on these device traffickers, the individuals that
20 were obtaining them through fraud, theft, and robbery,
21 to obtain these new Apple and Samsung devices. Devices
22 being phones, laptops, MacBooks, iPads, headphones,
23 personal cellular, or non-cellular devices.

24 Q. And would they be new and used as well?

25 A. It could be used. Typically, it was new. That's

1 what RJ Telecom, SCS Supply -- these wholesaler
2 suppliers -- were seeking new devices in order to export
3 these to foreign markets.

4 Q. And these new devices were being obtained by the
5 manner in which you've indicated through fraud, robbery,
6 and theft?

7 A. Correct.

8 Q. Okay.

9 A. RJ Telecom, SCS Supply, other wholesalers, they
10 would export these new devices, these shipments through
11 interstate carrier to foreign import companies in the
12 U.A.E. and Hong Kong. Oftentimes, they would receive
13 payment for these shipments by wires.

14 Over the course of this investigation, RJ
15 Telecom has exported over \$100 million in devices to the
16 U.A.E. and Hong Kong import companies and has sent over
17 5,000 packages via FedEx to both the U.A.E. and Hong
18 Kong. What you see here is an organizational chart
19 where you see Arsalan Bhangda and Abdul Bhangda up at
20 the top. You see their various companies in the second
21 line. In the third level is where you see the suppliers
22 for RJ Telecom. You'll see SCS Supply Chain on the far
23 left where you'll see Saad Aziz and Maaz Aziz associated
24 with that company. You'll also see their manager, vice
25 president of operations Mohsin Zia, and then Feras

1 Obeidat who is the manager of Gizmobile. All four
2 individuals are indicted in this conspiracy.

3 You'll also see connections to Dawn Wireless,
4 Dawn Trading, Am-Pak Cellular. All wholesale suppliers
5 that are connected to SCS Supply Chain as well as RJ
6 Telecom. The fourth level are the device traffickers.
7 These are the individuals that are obtaining iPads,
8 iPhones, Samsung new cellular phones, tablets, MacBooks,
9 laptops via fraud, theft, and robbery.

10 Q. And in your previous slide, you talked about
11 shipments to foreign companies.

12 And are you telling this Court that the only
13 ones that are having contact through shipments to
14 foreign companies are the top two -- that being Abdul
15 Bhangda and Arsalan Bhangda -- or some of these other
16 companies -- some of these other wholesalers also having
17 direct shipments to foreign companies?

18 A. No. The other wholesalers, while they might sell
19 these devices to RJ Telecom for export, they might also
20 export as well to their contacts or businesses in Dubai
21 or other -- Hong Kong or other foreign companies. So it
22 could be one or the other when you obtain these devices.
23 It can be sold to a company, an exporter, an aggregator
24 like RJ Telecom, or it could be sell to your own
25 business contacts.

1 Q. And would that be the case with SCS?

2 A. Yes.

3 Q. That they would be able to ship directly to these
4 foreign entities?

5 A. Yes.

6 Q. So by natural business activity, they would have
7 extensive contact with individuals in foreign countries?

8 A. Correct.

9 Q. Okay.

10 A. In the typical manner, how these devices are
11 obtained when you're talking about new devices -- again,
12 iPads, phones, MacBooks, tablets -- these devices in an
13 authorized channel are purchased through big carriers
14 like AT&T, T-Mobile, and Verizon or big box re-sellers
15 such as Wal-Mart, Target, Best Buy who will sell these
16 phones for the carrier or -- at a full retail cost.
17 And, typically, the way that these devices are purchased
18 is financed.

19 So in a typical scenario, individuals will go
20 to an AT&T store, a T-Mobile store, or a Wal-Mart that
21 sells financed phones for these companies. On their
22 credit, they will enter into a two-year service
23 agreement with that company to obtain a new phone with
24 taxes or a small down payment based on their credit.
25 They walk out with the phone. Sometimes it can be

1 two -- up to numerous different devices based on the
2 credit with the promise of a two-year service agreement.

3 So they get the phone on financing and
4 then -- with the promise to pay that off over two years.
5 In this case how these device traffickers are doing it
6 is with stolen identities or what's called credit muling
7 where you find someone who will use their own credit to
8 go into a store to obtain these devices with no promise
9 to repay. On the identity theft side, which is rampant
10 throughout this investigation, you'll have individuals
11 who will obtain identities. They'll create identities,
12 manufacture identities, and then these device
13 traffickers or device trafficking organizations will go
14 into these stores and obtain as many devices from the
15 different carriers that they can on a set of identities.

16 The other way that these devices can be
17 purchased is at full retail cost using some unique or
18 seasonal discount or a seasonal trade-in. Such as if
19 the iPhone 13 is being launched, at times Apple might
20 ask for old phones. And they'll take -- take those old
21 phones in and give a rebate. Absent that, this is the
22 authorized line that we've seen these companies sell
23 these new devices. We haven't found a secondary
24 wholesaler market that offers bulk discount purchasing
25 of new Apple or Samsung products.

1 Q. Now, just drilling down a little further on the
2 identity theft and the documents or -- that they're
3 using for this identity theft.

4 What types of documents did you undercover in
5 your investigation that were being used in order to
6 establish some sort of credit?

7 A. You would see a Texas driver's license. And that
8 would typically have a social security card and then an
9 associated debit or credit card all with the same name
10 on them. So essentially a set of identity documents
11 that that individual -- that device trafficker would go
12 in to an AT&T, T-Mobile, or Verizon store and present
13 that. They would also get a background report from
14 certain identity manufacturers. That background report
15 would be used to answer any challenge questions from the
16 representative of AT&T or Verizon and allow them to
17 essential, quote-unquote, prove that that is who they
18 said they were.

19 Q. And were there individuals that were specializing
20 in that particular activity and producing those types of
21 documents?

22 A. There were.

23 Q. And were some of those individuals dealing directly
24 with SCS?

25 A. I don't know if they were dealing directly with

1 SCS.

2 Q. Okay. Were individuals that were dealing with SCS
3 obtaining some of the items through that method?

4 A. Correct.

5 Q. And --

6 A. Yes.

7 Q. And were knowledgeable or know that individual that
8 specializes in producing those documents?

9 A. Correct.

10 Q. Okay.

11 A. So as we talked about the gray market supply -- in
12 large part, where these devices can't be purchased
13 through the authorized distribution channel, they come
14 in through the gray market. Gray market being robbery,
15 fraud, theft. These types of ways that these new
16 devices are obtained illegally and then resold to a
17 supplier, wholesaler with those devices then being
18 shipped overseas either by that supplier or wholesaler
19 or pushed on up to someone like SCS or RJ Telecom.

20 Q. Okay.

21 A. So the types of fraud. You have new line
22 activation fraud. This is what we just talked about.
23 This is where the use of identity theft is used to
24 activate new accounts, new lines at AT&T, T-Mobile,
25 Best Buy, Wal-Mart, the big box retailers. The use of

1 good credit of stolen identities to purchase or finance
2 these phones and devices. Like I said, at the time --
3 at the time when these individuals are at the store or
4 an online purchase, only the payment of tax or possibly
5 a small down payment depending on the credit is
6 required.

7 Essentially, the individual is able to make a
8 small payment and walk out with a brand new device. The
9 carriers don't know that this is fraud for at least
10 30 days or longer because it takes one missed payment
11 cycle for the carriers to realize that that device was
12 likely obtained by fraud or in some cases is obtained by
13 fraud if the person whose identity is stolen reports
14 that to the carrier. This does a couple of things. It
15 allows for suppliers to check IMEIs at the time they buy
16 it, and it will show a clean IMEI. Because at that
17 time, the carriers have no reason to believe that that
18 wasn't a legitimately purchased phone. And it allows
19 time to ship to another country and get out of the
20 country.

21 Account takeover. Again, this is using
22 existing customer's stolen information to purchase --

23 Q. Let me stop you there. Let's go back to -- can you
24 tell the Court the quantity you have based on your
25 investigation -- the quantity of IDs or identities

1 stolen by individuals?

2 A. I mean, this is a preliminary check because we're
3 still obtaining IMEIs through the course of the
4 investigation through records. I'm going to say at one
5 time we looked at it and -- because some -- because you
6 can't equate it to devices because one identity could
7 get two to seven or however many, but I think it was
8 around 10,000 identities, if I recall correctly.

9 Q. Okay.

10 A. Account takeover. Again, this is using identity
11 theft where you take an existing customer's stolen
12 information to purchase or add more devices on an
13 account.

14 Breakout fraud, which is where groups will
15 set up numerous shell businesses and build credit
16 through the businesses by making small payments on a
17 small number of phones. The credit increases, which
18 allows that group to then make a much bigger purchase of
19 new devices on credit. Once they get that big purchase
20 of phones, they take those phones and sell them to a
21 business such as Global One Wireless or RJ Telecom that
22 makes no further payments on the devices. And then in
23 an attempt to recoup the earlier payments made to
24 establish the credit, the group will then sometimes
25 contact the carrier and provide false statements that

1 their business identity was stolen and they made none of
2 the purchases. Thus, even the money they paid down to
3 establish the credit to steal the phones, they can at
4 times recoup.

5 Warehouse theft is also another big type of
6 theft. It's been identified through this investigation.
7 Either new or refurbished electronic devices are found
8 to be stolen from warehouses, from FedEx, UPS, other
9 interstate carriers, and that can include Samsung S20s,
10 iPads, iPhones, Fitbits.

11 In regards to the Global Standards
12 Mobilization Association, the GSMA, they maintain a
13 device regulatory list, which is commonly known as the
14 blacklist or blacklisted phones. This is an
15 organization that maintains this registry where
16 approximately 120 mobile network companies in 43
17 countries participate, including T-Mobile, AT&T, and
18 Verizon. Essentially, when AT&T, T-Mobile, and Verizon
19 find that a phone has been stolen, it's broken, for
20 whatever reason this phone should not be on a network,
21 they will submit the IMEI of that phone. And, again,
22 the IMEI is like a -- it's like a VIN number for a car.
23 It's a unique identifier. That IMEI will be added to
24 the registry list thus preventing a -- for example, a
25 T-Mobile blacklisted or locked phone from operating on

1 an AT&T network.

2 So if you have phones that are going to be
3 blacklisted, you have to ship them outside of the United
4 States in order for them to be able to work or operate
5 on one of the three networks; AT&T, T-Mobile, or
6 Verizon. And there are numerous countries that do not
7 participate in the GSMA, meaning that if a phone -- AT&T
8 blacklisted or blocked phone makes its way over to
9 Pakistan, that phone will still operate on a Pakistan
10 network. It will operate on a China network even if
11 it's blacklisted over here in the United States.

12 Q. And were those some of the countries that
13 RJ Telecom as well as SCS was sending their phones or
14 their shipments to?

15 A. Typically, the phones would be sent to Dubai and
16 Hong Kong. And then from there, those phones, we've
17 seen through other records, could work their way to
18 those countries -- to China or Pakistan, but typically
19 the import companies that we saw were located in
20 Hong Kong or Dubai.

21 Q. Okay. If we can just go back briefly to your
22 transit theft.

23 And can you -- can you explain that a little
24 better to the Court? How does this transit theft occur?
25 Is it just shipments of product that are stolen off the

1 truck? Shipments of product that are stolen off a UPS
2 truck? Explain that further, please.

3 A. Both. So you can see oftentimes in this
4 investigation we've seen FedEx drivers or we've received
5 information that FedEx drivers will somehow remove
6 portions of a shipment of new iPhones or some sort of
7 device. So that could be one way.

8 Another way could actually be taking from the
9 warehouse where those devices or master cartons of
10 devices are removed from the warehouse without
11 authorization. And then you actually see -- not so
12 much -- you'll see it later on -- not so much with the
13 devices, but you'll see cargo theft where entire
14 tractor-trailers are stolen or trailers are stolen that
15 contain pallet fulls of consumer electronics or consumer
16 goods.

17 Q. Okay.

18 A. So to get to the background of this investigation,
19 in December of 2020, the FBI and other law enforcement
20 agencies began investigating a series of aggravated
21 robberies targeting cell phone stores in the Dallas
22 metroplex. They began on or around July 2020 and
23 continued on or through December 2020. The
24 investigation led to arrests on December 9th and
25 December 22 and to date 15 individuals have been

1 indicted in the Eastern District under -- it's a typo
2 right there -- 4:20-cr-382.

3 THE COURT: Mr. Gonzalez, before we proceed,
4 can I ask for you and counsel for the defendants to
5 please approach?

6 (Off-the-record discussion.)

7 BY MR. GONZALEZ:

8 Q. All right. Now, trying not to just read your
9 PowerPoint presentation, maybe summarize the individual
10 slides. Maybe that will assist in moving things along a
11 little faster.

12 A. Sure. Yes, sir. What you see here are just that
13 Arsalan and Abdul Bhangda operate numerous companies.
14 Essentially, all of these countries -- all of these
15 companies, with the exception of RJ Builder and
16 Developers, were there to obtain new devices for export.
17 And so for the remainder of the presentation, all
18 transactions will be referred to by RJ Telecom in the
19 sense that it was acting as the parent company.

20 Arsalan Bhangda for RJ Telecom controlled the
21 finances, accounts payable. He met primarily with the
22 wholesalers, the suppliers. Abdul Bhangda was more of
23 an operations -- in more of operations. He coordinated
24 purchases from device traffickers, such as Taurean
25 Armstrong, Kaylen Taylor, Ryeshawn Green a/k/a Peso.

1 They maintained a corporate office that had a loading
2 dock. There were deliveries that went to the rear
3 loading dock by these employees. It also maintained two
4 other retail cell phone stores; 2513 Fitzhugh in Dallas,
5 Texas, and another in Arlington.

6 A search warrant was actually -- was
7 conducted on December 9th of 2020. They maintained
8 numerous employees that obtained devices. They logged
9 them into spreadsheets for RJ Telecom. From the HP
10 computer that was seized from the business, it was
11 forensically examined. Numerous spreadsheets. Some
12 deleted were extracted. What we were able to glean from
13 these spreadsheets is that numerous spreadsheets were
14 named "daily buyings" and something to the effect of
15 date, IMEI, product description, carrier, condition,
16 amount, customer. Essentially, a ledger of devices that
17 were purchased. These purchases were primarily in 2019
18 and '20. This is not a complete set of records. It's
19 what we were able to piece together from the computer.

20 Q. And it would -- SCS would be a supplier to
21 RJ Telecom. And that is captured in some of those daily
22 buyings; is that correct?

23 A. Correct. What you're looking at here is just an
24 example of raw data that we've recovered. You can see
25 the different categories. You can see the date, the

1 IMEI, which is the unique identifier. You can see the
2 carrier. In this case, they're unlocked. You can see
3 that they're sealed, meaning that they're brand new
4 sealed devices, the price, and "Saad" right there would
5 be Saad Aziz.

6 Q. And what's the significant of that -- on that slide
7 of unlocked and sealed?

8 A. When you have carrier locked phones, that's a phone
9 that will only work on an AT&T network. In order to get
10 that unlocked, you have to pay off the device or nearly
11 pay off the device and AT&T will unlock that device for
12 you. If you send that locked device overseas, then that
13 device has to be unlocked over there in order to be used
14 on a country's network where a blacklisted phone could
15 be used.

16 So if it's carrier locked, then at some point
17 it has to be unlocked to be used off of that network.
18 So if you're obtaining financed phones illegally or
19 robbery phones or warehouse phones, once those become
20 blacklisted, you can't use them on AT&T or the other two
21 providers' networks.

22 Q. Okay.

23 A. Meaning those are shipped overseas unlocked used on
24 a non-participating member's network. And the condition
25 is just sealed, meaning that's a brand new phone.

1 Q. Okay.

2 A. And, again, this is just talking about the export
3 of these new products to Dubai. So RJ Telecom had
4 several companies they exported these products to, such
5 as Xpress Logistics, Ziyantech. One way we tracked this
6 was that in the records for RJ Telecom, they had IMEIs
7 associated with shipments. So we can tell what IMEIs
8 were shipped overseas. Here's an example of that as
9 well where you can see an IMEI on the left and what
10 Dubai-based company it was shipped to and the date.

11 For SCS Supply, as part of the RJ Telecom
12 records, their records were found under a SCS folder.
13 There were numerous spreadsheets documenting
14 transactions with SCS. So it would show both the money
15 ledger of where a product was going, what wire was
16 remitted for what shipment to what country, IMEIs
17 associated with the purchase from RJ Telecom, and it
18 also showed some charges for unlocking carrier-locked
19 cell phones.

20 So as we just discussed with locked and
21 unlocked, in order to get those unlocked outside of the
22 proper method, a company is used. And the only way that
23 can happen is when these companies develop a source
24 inside of AT&T, inside T-Mobile that can illegally
25 unlock these phones. So these companies charge. And in

1 this spreadsheet, you can see charges for the unlocking
2 service.

3 Just other -- this slide just shows the other
4 types of records that showed these devices were going
5 overseas. Whether Apple records showing activation or
6 registration records for IMEIs, the FedEx shipments.
7 SCS Supply Chain had shipments to the U.A.E., Hong Kong,
8 Canada, and other countries. Over a thousand shipments
9 to Dubai. The last one being in April of '21. And this
10 is from records for a subpoena that was served on April
11 28th of '21.

12 Again, we've talked about this. The
13 RJ Telecom's sources of supply; device traffickers, such
14 as Ryeshawn Green and others, and then suppliers, such
15 as SCS Supply Chain, Dawn Wireless, and others. This is
16 just a list. As you can see, new line activation fraud
17 through identity theft was a primary driver for the
18 procurement of these devices. Again, just listing
19 different suppliers that were also on that chart.
20 Here's foreign importers. Xpress Logistics in Dubai.
21 Action Logistics is a company used by SCS in Dubai, and
22 Hanggroup Telecom, Ltd., which is in Hong Kong.

23 This is generally who SCS or RJ Telecom will
24 send their shipments to. These import companies --
25 those import companies will then coordinate the sell of

1 the product with the actual company and then remit wire
2 payment back through the import company. Almost a
3 clearinghouse. Interstellar General Trading is a
4 Dubai-based company. SCS Supply Chain and SCS Supply
5 Chain's location in Canada -- SCS Supply Chain in
6 Canada -- sold products to Interstellar General Trading.

7 Q. So based on your investigation, SCS has some sort
8 of subsidiary or some sort of business in Canada?

9 A. Correct.

10 Q. What type of business does it have in Canada?

11 A. It appears to be the same type of business where
12 they're involved in devices and devices going overseas.
13 There also is FedEx shipments to and from, but I don't
14 know what those shipments mean at this point.

15 Q. Were there any other wholesalers or individuals
16 dealing with the company in Canada?

17 A. Not that I know of.

18 Q. Okay. Do you know who was associated with that
19 company in Canada that's associated with the two
20 defendants here?

21 A. Jawaad Farooq, if I'm saying that correctly, who I
22 believe is a cousin to both Maaz and Saad Aziz.

23 So moving through the background of the case
24 of how this conspiracy worked, how SCS fits in to the
25 RJ Telecom picture as far as the devices being -- and

1 the devices sold to RJ Telecom being shipped overseas.
2 SCS Supply Chain here has an office, slash, warehouse
3 space at 14292 Gillis Road in Farmers Branch, Texas. As
4 shown earlier, Saad Aziz is a principal for SCS Supply
5 Chain. Both Maaz and Saad are involved in the
6 operations. Both received wages from SCS Supply Chain.
7 Gizmobile is a retail phone store. Much and like
8 RJ Telecom, it had a corporate office and a retail cell
9 phone store meant for cell phone repair business.
10 Gizmobile is that for SCS Supply Chain located in
11 Dallas, Texas, off Alpha Road.

12 In this investigation, three controlled sales
13 were conducted at the business from May of '21 to August
14 of '21. Maaz Aziz is the principal for Gizmobile, and
15 Feras Obeidat is the manager of Gizmobile, a
16 co-defendant.

17 Q. Have you been able to come up with an amount or a
18 figure as to the amount of business that SCS is
19 conducting during a time period -- whatever time period
20 it was that you examined?

21 A. Through financial statements -- a financial
22 statement review -- it's, again, preliminary. It's not
23 complete. We don't have all of the records. It's a
24 slide later down. But just off the top of my head, I
25 want to say for business being exported to Dubai, China,

1 and other countries, it's around 37 million from '16 to
2 the current time frame.

3 Q. Okay. From 2016 to 2021?

4 A. To, like, April '21 or somewhere in there.

5 Q. Okay. And in regards to looking into their
6 financial -- financials, have you been able to determine
7 any bank accounts?

8 A. There are bank accounts. Talking with the forensic
9 accountant, there are approximately 65 bank accounts.
10 We haven't obtained all of the bank accounts. We still
11 don't have a good financial picture of the Aziz brothers
12 or the companies just based on the sheer number of the
13 accounts and the time it takes to get those records and
14 process them. We believe there is still other accounts
15 out there we don't have.

16 Q. And you talked about a subsidiary or another
17 business in Canada. Have you received any financial
18 information as to that business?

19 A. No, sir.

20 Q. How about financial information as to foreign
21 countries that they do business in?

22 A. Through the bank accounts that we have here for SCS
23 Supply or a related entity.

24 Q. But any bank accounts that they personally own in
25 foreign countries?

1 A. No.

2 Q. Are you investigating that?

3 A. Yes.

4 Q. But as of right now, that's a continuing
5 investigation?

6 A. That's a continuing investigation.

7 Q. Okay.

8 A. We're working through the financial accounts.

9 Q. Okay.

10 A. Again, as we talked about, both SCS Supply Chain
11 and RJ Telecom worked together. They supplied each
12 other with devices. SCS Supply Chain developed somewhat
13 of an expertise in Samsung devices where RJ Telecom was
14 more of an expert in the Apple devices. And they would
15 trade devices back and forth to each other. SCS Supply
16 Chain also sold devices to RJ Telecom that went to
17 Interstellar in Dubai.

18 And in this investigation, we have
19 cooperating defendants. Cooperating Defendant No. 1 and
20 2 have both advised that Saad and Maaz began purchasing
21 new devices from the street in 2016 or '17. Cooperating
22 Defendant No. 1 advised they were smaller quantities at
23 first at three and four and then quickly moved up to 200
24 to 300 a week. They both worked together and that Maaz
25 Aziz was -- specialized more in getting devices from

1 FedEx drivers. They both sold devices to RJ Telecom.
2 They eventually began dealing in bigger quantities and
3 specialized in Samsung.

4 Because RJ Telecom and SCS Supply were
5 trading phones back and forth, they wouldn't make
6 payments every time. You could equate it to a tally
7 system where essentially they would just keep track of
8 who gave what phones and then at some point a payment
9 would be made. Since the Apple phones were generally
10 more expensive, RJ Telecom would generally make the
11 payment. This would also keep transactions from going
12 through the bank.

13 Q. What was the magnitude or the size of the payments?

14 A. In the same bank records that I talked about,
15 there's about \$4 million approximately that went from
16 RJ Telecom to SCS. Again, this just talks about Saad
17 gaining an expertise in dealing with wholesalers from
18 CD 2. And CD 2 also saying that Maaz gained an
19 expertise in cargo and transit theft and developed a
20 network of drivers dealing and on -- dealing in the
21 street level.

22 CD 3 advised that Awais Chodhury worked for
23 Maaz and Saad in the 2017 time frame. Awais Chodhury
24 worked security with Maaz Aziz to pick up devices from a
25 FedEx guy. They went to the FedEx guy's house. Maaz

1 provided a gun to Awais, a former Pakistani Army
2 soldier, who would wait outside while Maaz went inside
3 to conduct the transaction as security. And Awais had
4 told CD 3 that he believed the FedEx guy was in a
5 high-end position and took the phones.

6 CD 3 also sold other consumer goods and
7 electronic devices to SCS. Awais Chodhury would pick up
8 the stolen devices and consumer electronics, which
9 included drills, vacuums, generators, and other similar
10 items. Awais Chodhury provided that Maaz Aziz obtained
11 devices from the street and black people and that Saad
12 Aziz sold the devices overseas. And, again, CD 3 also
13 talked about an individual named Irfan Ahmed, which
14 provided the number for a black male involved in
15 obtaining stolen goods with the understanding he would
16 take a middleman cut.

17 Q. Obviously, you talked about the strong-armed
18 robberies that were occurring where individuals were
19 going into the stores and using firearms and holding
20 people captive and stealing phones, but here in this
21 particular slide you're indicating that one of the
22 defendants here in the courtroom was providing or using
23 a phone [sic] while doing one of these transactions?

24 A. Correct. As security, yes.

25 Q. And is that -- have you seen that in your

1 investigation that some of the individuals that are
2 conducting these transactions are actually bringing
3 firearms or using firearms in order to accomplish the
4 transaction that they're involved in?

5 A. Yes.

6 Q. Okay.

7 A. As we've talked about earlier, RJ Telecom had the
8 daily buyings, which are the documents that we put
9 together through a series of Excel spreadsheets to get
10 somewhat of a financial picture from RJ Telecom. From
11 approximately January of '19 to May of '19, the
12 RJ Telecom daily buyings listed approximately 2,327
13 devices from Saad Aziz totaling \$1,643,887 in payment
14 from RJ Telecom. That's not the retail loss amount.
15 That's just the moneys paid from RJ Telecom.

16 AT&T has confirmed some of these devices were
17 stolen through transit theft, fraud, equipment gaming.
18 They were under review or through nonpayment. The
19 retail loss amount was 305,000, but that's only 305
20 devices out of the over 2,000 devices. As part of this
21 investigation -- this request is still pending to
22 Verizon and T-Mobile, so it's incomplete. And AT&T is
23 still reviewing the IMEIs for other theft as transit
24 theft can be difficult to identify.

25 Also through RJ Telecom records through

1 e-mails and RJ Telecom buyings, approximately 729 IMEIs
2 were associated with Maaz Aziz. The time frame being
3 2016 to 2018. Through preliminary carrier checks --
4 again, these requests were sent to AT&T, T-Mobile,
5 Verizon, and Sprint. We have yet to finalize this
6 request. AT&T found transit theft for approximately 86
7 devices. Another 29 were found to be stolen through
8 fraud transit or likely fraud. Sprint found 110 devices
9 likely to be stolen through theft, fraud, or likely to
10 be stolen -- excuse me -- stolen through fraud, theft,
11 or likely to be stolen. T-Mobile found 12 devices were
12 through fraud or theft approximately. And Verizon found
13 approximately three devices obtained by fraud and three
14 likely fraud.

15 Interstellar, which was the Dubai-based
16 company that we spoke about earlier -- RJ Telecom --
17 that I spoke about earlier -- I apologize -- purchased
18 laptops and other devices besides phones from SCS Supply
19 and SCS Supply Canada. Interstellar was designed or set
20 up for the purchase of MacBooks, laptops other than
21 phones. SCS generally went through their importer
22 Action Logistics versus Xpress Logistics, the preferred
23 company for RJ Telecom.

24 Here, you have SCS Supply Chain in Canada.
25 What you see there is a FedEx label taken from the

1 search warrant at the warehouse at the top left. You
2 see Jawaad Farooq, the cousin to Maaz and Saad Aziz.
3 You can see the address in Canada. And that was as
4 of -- I believe the ship date was April 21 of 2021.
5 Cooperating Defendant 2 provided that SCS had a Canadian
6 location that also shipped the MacBooks and iPads to
7 Interstellar. Same cooperator said the phones collected
8 in Canada were sent to Dubai through Action Logistics
9 directly. And CD 2 also stated that Jawaad had come to
10 SCS Supply in Dallas for six months to learn the
11 business while CD 4 stated that Jawaad was a cousin and
12 ran the SCS Supply Chain location in Canada.

13 Also, CD 4 mentioned that SCS also had three
14 certified sellers on Amazon that were located in Canada.
15 Here you see the SCS Supply Chain warehouse on the left.
16 You see the Gizmobile cell phone and repair store on the
17 right.

18 A review of seven bank accounts from April of
19 '16 to February of '21, which is not an exhaustive
20 review of the SCS Supply Chain related entity financial
21 picture, shows that payments that were received from
22 RJ Telecom were just over \$4 million. Dubai-based
23 income was \$21 million. China-based income was
24 3.28 million. And other foreign-based income was over
25 \$11 million to include Canada of 167,000 and Pakistan of

1 46,000.

2 Also, from the same bank record review, you
3 can see that Dawn Trading, who is a supplier to
4 RJ Telecom and SCS, received 5 -- over 500,000. Jibran
5 Khalil, who is with Am-Pak Cellular, again, supplying
6 RJ Telecom and SCS, was 23,000. M7 Group, another
7 company whose -- whose owner and employee have been
8 indicted in this conspiracy, was 27,000. Blowfish
9 Unlocks that -- payments of 86,000 were made. Again,
10 this is a company that would provide an unlocking
11 service for locked cell phones. This is locking -- a
12 carrier locked cell phone over here in the United States
13 to be able to send it overseas so it could work on that
14 network.

15 Approximately 65 savings and deposit accounts
16 have been identified so far. As we've talked about, the
17 investigation continues, and we're still trying to
18 develop the complete overall financial picture for SCS
19 Supply related entities and Saad and Maaz Aziz. At the
20 Gizmobile store location -- this store location was
21 initially used to finance phones, buy used phones,
22 financing. During COVID, this store was used to
23 purchase street stock. CD 4 began purchasing street
24 stock based on pressuring from Saad Aziz. And street
25 stock is new devices that -- what we've talked about;

1 the iPads and phones obtained through financing, theft,
2 warehouse by device traffickers. And that street stock
3 would then be taken to SCS Supply Chain. It was logged
4 at SCS Supply Chain. The cash used to buy that street
5 stock came from SCS Supply Chain. And that's -- that's
6 how Gizmobile fits into the street stock.

7 CD 4 also advised that "good for local
8 phones" meant that it could be sold in the U.S. and
9 "carrier locked phones" or "blacklisted phones" had to
10 be sent overseas. Anything purchased by CD 4 was for
11 SCS Supply Chain, and the last conversation CD 4 had
12 with Saad Aziz was to continue street stock purchasing.
13 At this time, CD 4 was purchasing 30,000 to 40,000 worth
14 of street stock a week. Ryeshawn Green is one of those
15 device traffickers that sold street stock to Gizmobile.
16 He sold approximately 60 new phones to CD 4. CD 4 did
17 not believe these devices were purchased legitimately.
18 Peso or Ryeshawn Green also sold to RJ Telecom and Malik
19 Salameh.

20 The initiation of this investigation in
21 regards to SCS Supply Chain began with Smart Cellular
22 Solutions being listed on the opening account paperwork
23 for Southwestern National Bank as a major supplier.
24 This is all kind of happening at the same time in the
25 late March or early April time frame of Abdul Bhangda's

1 iCloud account. A warranted review of that also found
2 very limited chats with Maaz Aziz, payments in the Rozi
3 Wireless bank account statements, and then a controlled
4 sale on April 21st, 2021, with Ali Anwar and the
5 following surveillance that led investigators to SCS
6 Supply Chain in Farmers Branch is really what started
7 the investigation.

8 And in that controlled sale, a FBI CHS sold
9 one Apple 16-inch MacBook for \$1,700 and five 13-inch
10 MacBooks for 900. A total of 6,200 to Ali Anwar. Anwar
11 mentioned he could sell only the older 13-inch device
12 for 1,040 in Dubai. These prices are below the retail
13 price that you would get at an Apple store.

14 Following the sale, law enforcement continued
15 surveillance. Ali Anwar went to his store in Mesquite
16 at Dawn Wireless and then was followed to SCS Supply
17 Chain where he was observed retrieving five boxes from
18 the trunk of his vehicle and handing them to an
19 unknown -- handing them or setting them on the dock to
20 an unknown individual. The boxes were consistent with
21 the boxes sold during the controlled sale.

22 A review of the pen registered data of Ali
23 Anwar's phone found that he made two outgoing calls to
24 Maaz Aziz's cell phone at the approximate times of
25 11:38, which is approximately the time that Anwar

1 departed his store in Mesquite, and 12:00 p.m., which is
2 approximately 10 minutes prior to Anwar arriving at SCS
3 Supply Chain.

4 There is also another FBI -- an investigation
5 related to theft of Fitbits from approximately October
6 '17 to April of '18. Approximately \$1.2 million in
7 Fitbit devices were stolen. These thefts took place at
8 a Kohl's distribution center here in the Dallas area.
9 And FedEx and UPS drivers would take those devices
10 stolen by the Kohl's employee and deliver them back to
11 another Kohl's employee. Some of these Fitbits were
12 purchased by Arsalan Bhangda from an individual known as
13 Dave and then sold to Smart Cellular or Saad Aziz.

14 The FBI interviewed Saad Aziz during the
15 course of this investigation who advised he made two to
16 four Fitbit purchases from Arsalan Bhangda in the
17 November '17 to '18 time frame, and then '18, July, he
18 directly purchased approximately 42,000 in Fitbit
19 product from Dave. CD 2 advised these Fitbits were
20 stolen.

21 Briefly, a second controlled sale was done on
22 May 14th of 2021 with the FBI CHS. The CHS represented
23 these devices were stolen from a warehouse. He sold ten
24 new sealed Apple iPhones SEs for \$300. During that time
25 frame, Obeidat told the CHS they purchased devices from

1 Dawn. All ten phones were new in the box, and of those
2 devices, two were activated in the U.A.E., two were
3 activated in India, and one was activated in Jordan.

4 Shortly after the surveillance, Obeidat was
5 seen leaving Giz and unloading the product, entering the
6 product -- and entering SCS with the product and leaving
7 SCS without the product. Again, on May 24th, another
8 controlled sale was done. This time for sealed -- one
9 new sealed Apple MacBook for 1,100 and two new sealed
10 Apple iPhones for 660 each. The Apple MacBook was
11 purchased for approximately \$523 less than a retail sale
12 purchase.

13 The last controlled sale was done on
14 August 5th, 2021. Obeidat was not at the sale, but he
15 coordinated the sale with the CHS. The CHS met with an
16 employee and sold seven iPhone XRs, four iPhone 12s, and
17 four Apple MacBook Pros totaling 8,850 to an employee
18 there. That employee took those devices to SCS and
19 delivered those devices.

20 Dawn Wireless is a supplier both for
21 RJ Telecom and to SCS Supply. They obtain their devices
22 through several different ways -- several different
23 device traffickers. From the RJ Telecom daily buyings
24 from January of '19 to December of '20, 1,341 devices
25 for Ali Anwar totaling \$856,000 approximately and

1 approximately 3,500 devices for Abdullah Anwar totaling
2 \$1.8 million were sold to RJ Telecom with preliminary
3 confirmed losses from AT&T of over a million dollars.

4 We also -- there are also bank accounts for
5 SCS that we talked about where Dawn Trading was paid
6 \$500,000. No records for Dawn Wireless have been
7 identified at this point. One of the device traffickers
8 for Dawn Wireless was an individual stealing product
9 from a warehouse of approximately \$100,000 who later
10 became an FBI CHS. They also purchased devices from two
11 individuals conducting strong-armed robberies and thefts
12 of demoed devices and other devices from the floor of
13 cell phone stores. Another individual is George Israel
14 who would purchase products from a source down in the
15 Waco area. And he would sell devices and pallets of
16 stolen goods to CD 1 who would then sell these devices
17 and goods to SCS Supply Chain.

18 Last Wednesday Mr. Israel was taken into
19 custody. A consent review of his phone found
20 approximately -- found numerous IMEIs. A sample of
21 those IMEIs and chat messages were sent to AT&T. AT&T
22 found 17 IMEIs were found to be fraud, non-pay, or
23 transit theft. Primarily, transit theft. No data for
24 three IMEIs, and the remaining had no results. Likely
25 another carrier. Screenshots of the phone are --

1 screenshots from photos of the phone or messages are
2 here. What you can see in these messages -- it's hard
3 to read -- but you can see messages concerning
4 blacklisted phones that are purchased by Israel and then
5 sold to CD 1.

6 Here is a little bit bigger one. You can
7 read, "What you mean a locked one?" The person --
8 Abriham A. says, "Blacklisted." He says, "It's okay. I
9 still can buy them." And these would be potentially
10 devices that could be sold to CD 1 and then sold to SCS
11 or RJ Telecom. On May 29th of 2021, CD 5 purchased
12 approximately 396 DeWalt units from Israel. These
13 devices were new in the box and stolen. Israel had
14 rented a U-Haul, went down to Waco, and picked these
15 products up. He had come back up into the Dallas area
16 and met CD 5 at a Sam's Club at Midway and 635. CD 5
17 then took this U-Haul trailer full of DeWalt products to
18 SCS warehouse where Mohsin Zia and another employer
19 helped him unload the trailer. CD 5 coordinated this
20 sale with Saad Aziz and the delivery with Mohsin.

21 In order to pay Mr. Israel, he received --
22 CD 5 received \$30,000 from SCS. The remaining amount
23 was received later. CD 5 believed the product cost
24 around 180 to 1 -- 180 to 185 -- that's a typo -- and
25 sold to Saad Aziz for \$195. CD 5 believed the retail

1 price was around 260. Home Depot loss prevention
2 advised that at the time the retail price was around
3 319.

4 Here you see a screenshot from CD 5's phone
5 with Mr. Israel. You can see on the left that's a
6 U-Haul truck with a pallet and loaded with boxes of
7 DeWalt product. And then on the right, those are chat
8 messages from CD 5 and Saad Aziz, and those are pictures
9 of the DeWalt boxes sent to Mr. Aziz. A consent search
10 of Mr. Israel's residence found boxes of Google Nest
11 devices and other -- other goods indicative of being
12 stolen through cargo transit theft. Approximately
13 \$160,000 was seized from the residence.

14 Another indicted co-defendant sold devices to
15 CD 5. Those devices were then sold to SCS Supply Chain.
16 These devices came through transit theft on August 13th
17 of 2021. CD 5 purchased approximately 89 laptops from
18 this indicted co-defendant for approximately 570 each.
19 The retail was \$949. CD 1 paid this indicted
20 co-defendant approximately 50,000 in cash. One reason
21 the price dropped is because these laptops weren't
22 selling on Amazon or eBay. From what CD 5 said,
23 Mr. Saad Aziz liked it when there were multiple sellers
24 on Amazon and eBay because those devices could kind of
25 fit in with the white noise there of all the sellers.

1 Since they were only being sold on Target and
2 stolen from Target, it -- it decreased the price because
3 it was harder to move these products. The transaction
4 was completed here. You see the negotiations where the
5 price goes all of the way down to 570 between CD 1, an
6 indicted co-defendant. Here's photos of the MSI laptops
7 in CD 5's garage that were sent to Saad Aziz.
8 Eventually an employee for SCS came in a white Dodge Ram
9 van, picked those laptops up, and took them back up to
10 SCS. And here's a text with Mohsin Zia confirming that
11 it was 89 laptops.

12 During the search warrant of SCS Supply
13 Chain, similar units have been located at the warehouse,
14 and we're continuing the investigation to try to confirm
15 those laptops. Avaz Karimov is another device
16 trafficker that sold devices to Dawn Wireless and in
17 turn those devices were sold to SCS Supply Chain.
18 There -- the device trafficker that sold devices to
19 Karimov was Clifton Jerome Smith.

20 Here the warehouse theft we talked about
21 earlier is what -- is what Mr. Smith engaged in. He
22 stole approximately \$325,000 of new Samsung S20s by
23 essentially shipping those out to an address associated
24 with him due to a system glitch. This happened from
25 March 2021 to January 11th of '21. Twenty-five packages

1 were determined to be master cartons or cartons that
2 contained ten devices. Samsung is still yet to assign a
3 dollar loss to the remaining 75 packages.

4 This is a slide that just -- that documents a
5 purchase between Jerome Smith of a master carton and
6 Pyramid Moving. And then Pyramid Moving to Dawn Trading
7 a check in the amount of \$20,350 with the subject line
8 of "22 Note 20s." Samsung conducted an internal
9 investigation and tried to track where these phones were
10 being purchased from. They were successful in 18 of
11 these devices. They found that nine consumers purchased
12 via Amazon from Celltastic and Cellulartech. These are
13 Canadian companies that purchased the devices from SCS
14 Supply Chain. They've never touched the devices. The
15 devices were sent directly to an Amazon fulfillment
16 warehouse in Oklahoma. Two S20s were purchased from
17 Gizmobile. One being the store on Alpha Road and one
18 from Dawn Wireless.

19 Abdullah Anwar from Dawn Wireless had told a
20 Coppell detective that they had purchased the Samsung
21 devices from UZ Global. An attorney for SCS advised
22 that SCS had purchased the devices from Dawn Wireless.
23 And a Cellulartech rep told a Samsung investigator he
24 purchased the devices from SCS Supply Chain, and the
25 devices were shipped directly to an Amazon warehouse in

1 Oklahoma.

2 As an example of guns being at transactions,
3 on February 6th, 2021, at 6:50 a.m., Karimov who is a
4 supplier to -- device trafficker, supplier for Dawn
5 Wireless. And for -- and used -- and had Clinton Smith
6 as a device trafficker. In that -- some of those
7 devices went to SCS Supply Chain. On this transaction
8 on February 6th of 2021, there was a transaction that
9 Clifton Smith arranged with Karimov and two black males
10 in a white Chevy Camaro. Karimov was shoved in the back
11 seat and handguns were pointed at him. And the black
12 males demanded cash. Karimov ran from the location, but
13 his tires were slashed. Richardson PD detective
14 conducted a telephone interview with Smith who
15 essentially said he had been dealing with Karimov over
16 the last two or three years. He stopped after Karimov's
17 brother pulled a gun on him. He also said that this is
18 what happens when people are doing illegal stuff.

19 On August 24th, 2021, a search was executed
20 at SCS Supply Chain in Farmers Branch. They found
21 office space. They found rooms for processing devices.
22 They found a big warehouse area storing electronics and
23 other goods. Due to the significant number of items in
24 this search warrant, the search warrant is ongoing.
25 Preliminary checks with numerous companies to include

1 AT&T, Bissell, Home Depot, Samsung, and YETI have found
2 stolen property, including cargo theft items. Cargo
3 theft being where a trailer or tractor or both are
4 stolen.

5 Q. Can you give the Court an estimate of the size of
6 this particular warehouse?

7 A. So these photos might give a better indication of
8 that. Here you can see racks of cell phones. Here you
9 can see the size of the warehouse with multiple shelves
10 or different levels of shelving and pallets full of
11 goods wrapped in black plastic. As part of the search
12 warrant, all of these items are being inventoried. And
13 then the -- the investigators are attempting to identify
14 if these products are stolen or not and -- in part with
15 private industry. So private industry through the
16 unique identifiers on some of these products then links
17 them to other incidents. I'll go through a few of
18 these.

19 Wal-Mart has a unique product through Anker
20 Eury vacuums. There were pallets full of Eury vacuums
21 that were about 390,000 in value. This product is
22 unique to Wal-Mart, and it is sold online. It never
23 arrived at a Wal-Mart fulfillment center and would only
24 go to Wal-Mart. The Wal-Mart investigators have
25 essentially said this is -- with this being a unique

1 product to Wal-Mart and them not having received it,
2 this product should not be at SCS Supply Chain. So
3 preliminarily it is believed to be stolen. There you
4 can see those are the pallets of the Anker Eury vacuums.
5 Bissell vacuums. A transaction with Maaz
6 Aziz, Mohsin Zia, and CD 3 -- that should be CD 4. On
7 Monday, August 23rd, one day prior to the search
8 warrant, CD 4 -- Maaz Aziz asked CD 4 and Mohsin Zia to
9 come with him. The three individuals went to a Best Buy
10 parking lot where two U-Hauls were located. They met
11 with a black male who drove a Cadillac. Maaz Aziz
12 provided \$20,000 to the black male that was put into his
13 hat, and the black male said that the keys were in the
14 U-Hauls. CD 4 and Maaz Aziz drove the U-Hauls back to
15 SCS warehouse where the U-Hauls were unloaded.

16 CD 4 was able to determine that -- able to
17 see that -- that the load was Bissell vacuums. After
18 those U-Hauls were unloaded, Maaz Aziz and CD 4 drove
19 those U-Hauls back to a nearby business where they
20 parked on the separate -- basically in separate parts of
21 the parking lot. A text message in CD 4's phone on
22 August 23rd of '21 at 8:50 -- 5:52 p.m. from Maaz said,
23 "Park in a different parking lot than me." CD 4
24 confirmed the photo -- a photo of the vacuums from the
25 search warrant as the vacuums that were in the trucks.

1 Here's the shipment of vacuums.

2 The Bissell product was stolen from a
3 facility in Mesquite, Texas, in early August of 2021.
4 The Bissell representative confirmed that over a
5 thousand cartons of the recovered Bissell product were
6 stolen. And DPS SA Landon Corbett who investigates
7 cargo theft advised that Vincent Tasby stole a truck
8 from a parking lot location, drove that truck back after
9 cutting a hole in the fence, and stole four trailers
10 that contained the Bissell cartons within the hour. And
11 that Vincent Tasby is tied to Morris Washington, and he
12 is referred to by others -- other individuals in cargo
13 theft as "the king of cargo theft." Tasby is currently
14 in custody for other related activity. SA Corbett,
15 through his experience as a cargo theft investigator,
16 said that Bissell is a continuing product of theft.

17 On or about July 23rd of 2021, a tractor and
18 trailer were stolen in Dallas containing approximately
19 279 Samsung TVs. On or about July 30th, CD 4 advised
20 that Maaz Aziz had him -- CD 4 drop them off at the same
21 Best Buy parking lot to a U-Haul. Maaz Aziz drove the
22 U-Haul back to SCS Supply. CD 4, along with Saad Aziz
23 and Mohsin Zia, unloaded the Samsung TVs. They were all
24 brand new hospitality TVs. From the search warrant,
25 approximately 15 pallets of these TVs containing

1 approximately 200 TVs were recovered with the value
2 being 100 -- around \$160,000. And these were
3 hospitality TVs for commercial use, not generally
4 residential use. The shipment was destined for Phoenix.

5 SA Corbett from DPS advised that in 2016 DPS
6 cargo theft began investigating a crew that would engage
7 in the tractor-trailer cargo theft. This crew involved
8 Reginald Henry, Vincent Tasby, Morris Washington, Damian
9 Calhous a/k/a White Shoe, and Coree Hall among others.
10 The agent believed that since 2016 this group has
11 conducted anywhere from 60 to 120 cargo thefts,
12 including TVs, vacuums, computers, YETI products,
13 electronics, and other products. On September 24th of
14 2021, DPS arrested Morris Washington for three counts of
15 theft. And in his post-arrest statement, Washington
16 identified Saad and Maaz as the individuals who
17 purchased most of his property and gave the most money
18 for it.

19 These are screenshots from a review of Morris
20 Washington's cell phone seized at the time of the
21 arrest. On the right-hand side, you can see a
22 screenshot of Samsung hospitality TVs. In January of
23 '19, a shipment of 65 navy rambler were stolen in the
24 Dallas area. They were stolen from a rail yard and
25 destined for -- and had just been imported from China.

1 In 2020, YETI conducted three purchases of DFW Amazon
2 sellers; Maz Mobile Direct, SCS Supply Chain, and Gizmo
3 Galaxy. All three test purchases found the product was
4 part of the stolen shipment.

5 In May 2021, a shipment of YETI coolers was
6 stolen in the Dallas area. The shipment was scheduled
7 to be delivered to Academy Sports located in Tennessee.
8 As part of the search warrant, one cooler was scanned,
9 and it returned to this shipment. That cooler was part
10 of a pallet that contained approximately 22 coolers.

11 Puma tennis shoes were found in the search
12 warrant as well. These were stolen from a warehouse in
13 Forney, Texas, in February of 2020. Approximately 1,282
14 cartons were stolen at a value of approximately 91,000.
15 The search warrant has recovered approximately 336
16 cases, 14 pallets of those shoes. What you see on the
17 right are labels that were peeled off of the boxes and
18 were in a locked shred box that were found at the time
19 of the search. There was one box still on the floor
20 that had a label on it. It hadn't been peeled off. And
21 that's how we were able to tie these Puma shoes.

22 In Tennessee, the Ingram Micro warehouse, an
23 internal investigation in September of 2020 started
24 after laptops were found being stolen from the
25 warehouse. These were eventually -- some of these

1 laptops were eventually found at the search warrant for
2 SCS Supply Chain. It is believed that these were stolen
3 from Tennessee and transported to Texas. Again, with
4 Ingram Micro, Google Nest -- had a Carol Stream
5 warehouse for Ingram Micro. These were obtained in the
6 search warrant. They were new in the box. They were
7 shipped to Target, a location in Midlothian, Texas.
8 There were two shipments at the end of July and early
9 part of August for approximately 60 units for a total of
10 \$9,000. Serial numbers for these products have been
11 tied to the stolen shipment.

12 Here's the pictures. On the left, you can
13 see the label. On the top left, you can see, "Google,
14 Carol Stream," the Ingram Micro warehouse, and you see
15 the shipped to Target.

16 And relating to devices at the SCS Supply, in
17 a preliminary review, AT&T in partnership -- not in
18 partnership -- excuse me -- AT&T came into the warehouse
19 and -- as part of the search warrant went through,
20 tracked the IMEIs on these devices. It found that of
21 2,121 devices, over 1,500 devices were stolen --
22 confirmed stolen. This being transit theft, blacklisted
23 devices, or devices that had network activity that could
24 be tied to fraud, nonpayment, transit theft, or buyer's
25 remorse. There's still 600 devices that were -- where

1 no status has been identified at this point.

2 In regards to the 922 devices, 89 percent of
3 those were stolen with Pittney Bowes. AT&T has
4 identified Pittney Bowes as a logistical company where
5 they've incurred losses with devices before. What you
6 see here are Pittney Bowes labels that have been peeled
7 off and were found in the locked shred box.

8 Also identified through the search warrant of
9 SCS Supply Chain was a counterfeiting operation. Apple
10 came in due to their manufacturing -- due to their
11 expertise in Apple products, and they identified over
12 8,000 counterfeit products, including glass backs,
13 charging cables, earpods, and power adapters. Those
14 pictures there were identified by Apple as counterfeit.

15 Q. And were those being produced there at that
16 warehouse?

17 A. I don't know if those were specifically being
18 produced. Those in the photos. But Apple personnel
19 also found a number of machines that were located in the
20 warehouse. Their review of these machines were found --
21 that these machines could be used to repair or replace
22 or possibly manufacture Apple components and products.
23 Their review of this machinery found that it was from
24 China and most of the language on the machinery was
25 Chinese. They reached out to their counterparts in

1 China and found that these machines were consistent with
2 the factories in China that -- in China that manufacture
3 counterfeit parts of Apple product.

4 The pictures, which we'll get to in a second,
5 have the following functions: Removing the back glass
6 of iPhones, removing the front frames from iPhones,
7 engraving, imprinting on common items, iPhone repair,
8 separating LCD screens, lamination, cooling, industrial
9 production, such as PC -- PCB boards, speakers,
10 circuitry, electronic components, controlled lighting,
11 conditions, sealing mobile phone screens, cutting LCD
12 screens. Based on SCS not being an authorized
13 manufacturer of Apple products, Apple has preliminarily
14 concluded that the machines are being used to
15 manufacture counterfeit parts and devices. Here's the
16 photographs of the machines that Apple took of -- that
17 they're referring to in those slides.

18 In December of 2019, U.S. Customs interdicted
19 a package that contained approximately 51 phones. These
20 devices bore a counterfeit mark. SCS submitted a
21 petition for relief and was allowed to receive that
22 product back. However, this, again, shows that SCS was
23 aware of counterfeiting back in 2019, and there's still
24 continued evidence they've engaged in counterfeiting.
25 As part of the review of CD 5's phone, it was found that

1 there were COVID-19-forged documents. CD 5 advised that
2 he was tested, along with his wife, for international
3 travel. However, CD 5 did not receive his results back
4 from his test. CD 5 sent his wife's results to Saad
5 Aziz seeking a forged result for himself so he could
6 travel.

7 CD 5 -- and he did receive that from Saad
8 Aziz. And this was back in the late December of 2020
9 time frame. CD 5 also flew on the same flight as Maaz
10 Aziz and observed Maaz Aziz having the same test result
11 form as himself and that it was a negative -- a negative
12 test. Maaz went through the boarding process first and
13 told CD 5 it was fine and just a piece of paper. Flight
14 records for Maaz Aziz showed he traveled to Dubai on
15 December 12th. This is the forged copy. A copy of it
16 was found on review of CD 5's cell phone. This is the
17 forged copy of CD 5's and not Maaz Aziz. We do not have
18 a copy of that.

19 Q. So what he is alleging is he was using that same
20 document in order to board the plane?

21 A. CD 5 is alleging that Maaz Aziz used the same
22 document, but with his name on that. That based off the
23 forged document that CD 5 got and the fact that he had
24 sent Saad Aziz a copy of his wife's negative test, that
25 Maaz Aziz then had the same forged copy with his name on

1 it.

2 In regards to the economic danger of Saad and
3 Maaz Aziz, their income on TWC is listed from SCS
4 Supply. No other forms of income. Yet, the warehouse
5 is shut down right now. All of that income that we can
6 tell to this point is coming from stolen goods,
7 stolen -- like vacuums, TVs, devices. We haven't found
8 anything to date in this warehouse that seems to be
9 legitimate. So all illegitimate has come from the SCS
10 Supply Chain.

11 There's also the facility of identity --
12 excuse me -- the facilitation of identity and transit
13 theft. SCS through the course of this investigation has
14 identified or established a network for obtaining these
15 stolen devices whether it is through identity theft or
16 whether it's through a warehouse and are able to ship
17 these devices to businesses, contacts overseas to Dubai
18 or other foreign countries. They also have a company in
19 Canada run by family that is set up to move these types
20 of devices that can be purchased on the street based off
21 cooperating defendants' statements. Both Saad and Maaz
22 Aziz have experience purchasing these devices on the
23 street.

24 Q. Now, you indicated that it was approximately 10,000
25 victims of identity theft?

1 A. Correct, to date. There's also identity theft
2 where there are individuals that use identity theft not
3 only to obtain these devices, but there are
4 manufacturers in this conspiracy who will obtain stolen
5 identities, create a Texas driver's license, create a
6 credit card, create a social security card for a brand
7 new identity, obtain a background report. Those are
8 being used to obtain the devices. Those could also be
9 used to make new identities.

10 Q. And would those be the individuals that would be
11 well-known to the individuals that are involved in this
12 type of activity?

13 A. If you're in this business, you know that -- it's
14 very likely for you to know how these devices are being
15 obtained. One way being identity theft and that in
16 order to do that identities are needed.

17 In regards to flight risk, there is a SCS
18 Supply Chain that's located in Canada. It appears to be
19 run by a family member. It's a cousin to Saad and Maaz
20 Aziz. This would allow them to have resources, family
21 in a close foreign country that could help set up both
22 Maaz and Saad Aziz, help them travel. It could also
23 help them in regards to obtaining resources down here in
24 the United States with economic danger. If Saad and
25 Maaz Aziz know how to purchase from the streets, they

1 could continue to obtain devices. The Canadian company
2 could be an outlet -- could be a means to get those
3 devices overseas for the generation of revenue and thus
4 continuing the economic danger to the community.

5 And, again, there is identity manufacturers
6 in this conspiracy. Identity theft is prevalent in this
7 conspiracy. This is what an identity set looks like.
8 Those are -- that's a driver's license you see with a
9 matching social security card with a matching debit or
10 credit card where the names all match, and that type of
11 identity set could be used to evade law enforcement. It
12 could be used to obtain a new residence to -- basically
13 to maneuver around society and evade law enforcement.

14 While both Maaz and Saad are United States
15 citizens, they have Pakistani descent. The Extradition
16 Treaty with Pakistan is very limited. From my
17 knowledge, there's been approximately two extraditions
18 in the last 15 years. The last extradition took
19 approximately six years to complete. While they have
20 U.S. citizenship, their Pakistan -- if they were to flee
21 to Pakistan, their Pakistan heritage could prevent
22 deportation as a USC from Pakistan to the United States.
23 And with resources, life can be good in Pakistan. If
24 you have the resources, you could have a life in
25 Pakistan. And it's a way -- it's way to live.

1 CD 4 advised that Saad Aziz had spoken of
2 owning property in Pakistan and making good money off of
3 them to CD 4. And in this conspiracy, a subject who is
4 not indicted, after the Secret Service froze funds,
5 after they attempted to make contact, this individual
6 fled to Pakistan. We have not made significant seizures
7 related to SCS Supply or Saad Aziz or Maaz Aziz.

8 Q. And, to your knowledge, have there been other
9 individuals that have been charged with similar type of
10 offenses -- offenses like the ones that these defendants
11 are charged with that have fled?

12 A. Like as in more white-collar-type defenses?

13 Q. Yes.

14 A. Yes.

15 Related to seizures, related to assets that
16 they might have, the government has not seized property,
17 has not seized significant assets. Again, with 65 bank
18 accounts and with numerous credit card accounts, we're
19 still trying to develop a financial picture to be able
20 to trace funds, identify where these funds are at,
21 identify other accounts that might still be open,
22 identify further investment accounts, or resources that
23 could allow them or could help them assist in fleeing.

24 As far as travel, both have international
25 travel to various countries. For Maaz Aziz, he's

1 traveled to Canada, Columbia, El Salvador, Qatar, U.A.E.
2 Recent travel to Mexico. His last trip to Dubai was
3 December 2020 and Canada December of '19. While Saad
4 Aziz has traveled to Canada, Mexico, and the U.A.E. The
5 last trip was Mexico in 2020 -- December of 2020. The
6 last trip to Dubai was February of 2020, and the last
7 trip to Canada was December of 2019.

8 Relating to harboring, an FBI top ten
9 fugitive Yaser Abdel Said in January of 2008 -- Said
10 killed both of his daughters and disappeared shortly
11 thereafter. He was charged within the year and become a
12 top ten fugitive. Yassein Said is the brother to Yaser
13 Said and the uncle to Ameirah. Ameirah being the wife
14 of Maaz Aziz. In 2014, Ameirah and her sister Dalal
15 purchased a property in Justin, Texas. In 2017, Yaser
16 Said escaped an Irving apartment as part of a FBI
17 fugitive investigation.

18 Shortly thereafter, investigators believed --
19 later found out and were to believe that Yaser Said
20 began living at the Justin residence owned by Ameirah
21 and her sister. In August of 2020, Yaser Said was taken
22 into custody at the residence owned by Ameirah and her
23 sister.

24 MR. MCCARTHY: Judge, I'm sorry. For the
25 record, I wanted to point out some -- he keeps saying

1 "Said." This is not my client Saad Aziz he's referring
2 to as killing his daughters.

3 BY THE WITNESS:

4 A. I'm sorry. That's correct. Yaser Said. I'll say
5 Yaser Said. I'm sorry.

6 So just to recap, on January 1st of 2008,
7 Yaser Said killed both daughters. Not the defendant at
8 the table. And --

9 BY MR. GONZALEZ:

10 Q. And that was a highly publicized killing here in
11 the local area, correct?

12 A. It was highly publicized. It was a long-term
13 fugitive investigation. The investigation lasted over a
14 decade.

15 Q. It was well known that FBI was searching for --

16 A. It was. It was well known. And when he was
17 taken -- when Yaser Said was taken into custody in
18 2020 --

19 Q. Okay.

20 DEFENSE COUNSEL: Judge, I'm going to object
21 to relevance to this.

22 MR. GONZALEZ: Your Honor, as indicated, it's
23 harboring a fugitive. You have Maaz Aziz's wife
24 harboring a fugitive -- owning a property where a
25 fugitive is hiding --

1 DEFENSE COUNSEL: Objection, your Honor.

2 It's irrelevant and defamatory --

3 MR. GONZALEZ: With regards to --

4 THE COURT: I'm going to ask for us to go
5 ahead and move on from this issue, Mr. Gonzalez.

6 MR. GONZALEZ: Well, if the wife of one of
7 the defendants is harboring a fugitive or allowing a
8 fugitive --

9 DEFENSE COUNSEL: The objection --

10 MR. GONZALEZ: Or allowing a fugitive --

11 THE COURT: Gentlemen, I've already asked
12 Mr. Gonzalez can we move on from this particular point.

13 MR. GONZALEZ: Okay.

14 BY MR. GONZALEZ:

15 Q. What's depicted there, Agent?

16 A. This is the house where Yaser Said was arrested --

17 THE COURT: I'm familiar with this case. We
18 can move on, Mr. Gonzalez, from that point.

19 MR. GONZALEZ: Okay.

20 THE COURT: Thank you.

21 BY MR. GONZALEZ:

22 Q. Now, Agent, based on your presentation of the
23 evidence here today, obviously you've formed an opinion
24 as to whether you believe these individuals would be at
25 risk of flight or a threat to the community.

1 A. I do believe they could be a risk of flight and a
2 threat to the community, yes.

3 Q. And based on your -- your summary here at the end,
4 you believe them to be a risk of flight not only because
5 of their economic resources as well as their association
6 with foreign entities?

7 A. A foreign -- yes. Foreign company in Canada and
8 then ties in the Middle East and Dubai.

9 Q. All right. And you're aware that they have other
10 economic resources, correct?

11 A. Those -- that's what we don't know. I mean --

12 Q. Okay.

13 A. -- it's hard for us at this point, based off the
14 financial picture we have, to know what other resources
15 are out there. We do know that Saad Aziz, I believe,
16 owns two other properties. I'm not exactly sure if it's
17 in his name or an entity that are up in Frisco. They
18 are both valued at about \$500,000 that we're
19 investigating.

20 Q. Okay.

21 A. But outside of that, we're still trying to develop
22 exactly what all the resources are.

23 Q. And then you had -- in one of your slides, you had
24 a cooperating defendant indicating that they had -- one
25 of them had indicated that he owned properties in a

1 foreign country?

2 A. Yes. A cooperator stated that he was told by Saad
3 Aziz that Saad had Pakistani properties or properties in
4 Pakistan and they were doing well.

5 Q. And obviously their foreign travel was indicated in
6 one of the slides as well, correct?

7 A. Yes. There is foreign travel.

8 Q. All right. And then you also indicated that there
9 was use of a firearm on some occasions, correct?

10 A. A cooperating defendant advised that a firearm was
11 taken as part of security by Maaz Aziz and Awais
12 Chodhury when they were dealing with the FedEx driver.

13 Q. Did you find any firearms at the warehouse?

14 A. We did find, I believe, one firearm in the safe in
15 the warehouse.

16 Q. Okay.

17 A. As far as I know.

18 Q. Were you able to find any of the passports in any
19 of the search warrants for the defendants specifically?

20 A. We -- I can't speak to the residences, but at SCS,
21 no.

22 Q. Okay. So, to your knowledge as you sit here now,
23 have all passports been turned over?

24 A. I believe, just based off of conversations, that
25 Maaz has his passports. And I think right before the

1 hearing, the defense counsel said that Saad Aziz had his
2 passports here.

3 Q. Okay. Now, you talked about the 10,000 victims of
4 identity theft. And you -- if we can narrow down the
5 economic loss or the economic benefit that the
6 defendants have obtained during their time period of
7 working in this business, what would that number be?

8 A. Well, it's hard to say at this point. So the bank
9 statements that we have -- the four banks, the seven
10 accounts that were presented earlier -- I think the
11 foreign income was around \$37 million. Without getting
12 into the business yet at this point and getting into the
13 records and being able to, you know, identify the source
14 of those devices and what other potential income that
15 might come from, it's hard to say. But with
16 RJ Telecom -- at a minimum, over \$4 million was paid
17 from RJ Telecom to SCS Supply. We have other device
18 traffickers.

19 Q. Okay.

20 A. So it's going to be, you know, well into the
21 millions.

22 Q. And, again, in regards to travel for Saad Aziz, he
23 has other travel other than traveling to Mexico,
24 correct?

25 A. Yes. I -- let me go back here so I get it right.

1 So I believe his travel was to Canada, Mexico, and the
2 U.A.E.

3 Q. Okay. So it's not just for vacation in August
4 of 2020?

5 A. No. Not according to Customs or -- Customs.

6 MR. GONZALEZ: That's all I have. I'll pass
7 the witness.

8 THE COURT: If I can go ahead and ask the
9 U.S. Marshal Service representative to please approach
10 along with counsel for the government and defense
11 counsel.

12 (A short recess was taken.)

13 THE COURT: All right. Everyone, at this
14 time, we're returning to Cause No. 4:20-cr-382, the
15 *United States v. Aziz*. At this time, we still have on
16 the -- on the stand Agent Chris Doering. Mr. Gonzalez
17 was questioning him at the time that we took a recess.

18 Mr. Doering, do you continue to understand
19 that you remain under oath?

20 THE WITNESS: I do.

21 THE COURT: All right. Mr. Gonzalez, you may
22 proceed at this time.

23 DIRECT EXAMINATION (Continued)

24 BY MR. GONZALEZ:

25 Q. Agent Doering, right before we broke, you said

1 something that caught my attention. You said that there
2 were some other properties in Frisco?

3 A. Yes. I talked about two properties in Frisco, and
4 I believe at the time I had said that those properties
5 were registered to Saad Aziz. Those properties are
6 actually registered to both Saad and Maaz Aziz. It's
7 two properties in Frisco.

8 Q. And do you know the approximate value or whether
9 they're up for sale? What's the status of those
10 properties?

11 A. The properties were both up for sale at
12 approximately \$1.1 million. One appears to be in
13 contingent status. The other one has since been taken
14 off the market. It's unknown if it was sold or just
15 taken off the market.

16 Q. So it's \$1 million for each property?

17 A. Yes.

18 Q. Or for both?

19 A. No. Each property.

20 Q. Okay. There are two separate properties --

21 A. Correct.

22 Q. -- at a million dollars a piece?

23 A. Correct.

24 Q. And they're in both defendants' names?

25 A. Yes. And both properties have liens on them. The

1 approximate amount of -- just going from memory -- they
2 both have liens on them. Close to a half -- \$500,000.

3 Q. Okay. And the one that has been taken off the
4 market, you don't know whether it's been sold or just
5 taken off the market or what?

6 A. No, sir.

7 Q. Do you know when the properties were obtained?

8 A. Based off of the information that I have, it looks
9 like their liens or the title transfer was on -- in
10 December of 2020.

11 Q. And that would have been during the time period of
12 this alleged conspiracy?

13 A. Yes.

14 MR. GONZALEZ: That's all I have. I'll pass
15 the witness.

16 THE COURT: Thank you.

17 All right. Counsel, we're going to go for
18 cross-examination in the order in which your clients are
19 listed on the indictment.

20 So at this time, Mr. Wohlford.

21 MR. WOHLFORD: It's going to be Mr. Castle,
22 your Honor.

23 THE COURT: All right. Mr. Castle, then if
24 you'll proceed.

25

1 (A short recess was taken.)

2 THE COURT: All right. Everyone, we are
3 going to go back on the record following a conference at
4 the bench. Currently pending before the Court are two
5 related filings; defendant Saad Aziz's motion for bail
6 pending trial and then as well --

7 And I apologize, Gentlemen. I know that I'm
8 getting your names incorrectly pronounced. I am
9 sincerely apologetic.

10 And Maaz Aziz's response to the government's
11 motion for detention.

12 Raised in each of those motions is a query as
13 to whether or not it's proper and appropriate for the
14 Court to have a detention hearing and arguments related
15 thereto. Following a conference during the break, it's
16 the Court's understanding that counsel for the parties
17 desire to withdraw the formal motion, as well as their
18 response, and are going to stipulate that in light of
19 the government's clarification that they are moving for
20 detention under 3142(f)(2)(A,) that it is proper for the
21 Court to have a detention hearing today.

22 Let me just go ahead and confirm on behalf of
23 the parties who have filed both the response as well as
24 the affirmative motion itself.

25 Mr. Castle.

1 MR. CASTLE: Yes, your Honor. We filed a
2 response to the government's oral motion objecting to
3 the Court's ruling to have the hearing. We withdraw
4 that response as well as our objection.

5 THE COURT: All right. And then let me go
6 ahead and ask Mr. McCarthy as well.

7 MR. MCCARTHY: Yes, your Honor.

8 THE COURT: I hate to ask, but the acoustics
9 are so poor. So can you huddle through all of the
10 chairs and go to the microphone?

11 MR. MCCARTHY: Yes, your Honor. The same for
12 us.

13 THE COURT: All right. And I'm assuming on
14 behalf of the government there is no opposition to the
15 request for the withdraw of the motion for bail pending
16 trial, which is Docket 1224. And I don't have the
17 docket cite for the response, but that response as well.

18 MR. GONZALEZ: No objection.

19 THE COURT: And to confirm and to clarify
20 again, the government's sole basis for seeking detention
21 in this cause is 18 U.S.C. § 3142(f)(2)(A); is that
22 correct?

23 MR. GONZALEZ: Yes.

24 THE COURT: All right. So with that then,
25 we'll go ahead and proceed.

1 And, Mr. Castle, I understand that you will
2 be doing cross-examination.

3 MR. CASTLE: Yes, your Honor.

4 May I proceed?

5 THE COURT: You may.

6 CROSS-EXAMINATION

7 BY MR. CASTLE:

8 Q. Good afternoon, Agent Doering.

9 A. Good afternoon.

10 Q. Agent Doering, do you recall at the end of your
11 testimony you made a statement that you believed that
12 the two defendants here could be a risk of flight?

13 A. Could be, yes.

14 Q. And -- well, you said, "could be." You didn't say
15 are, correct?

16 A. I did not.

17 Q. You did say they could be a serious risk of flight,
18 correct?

19 A. I believe my statement was they could be a
20 flight --

21 Q. So --

22 A. Flight risk.

23 Q. As you sit there today, do you believe they are a
24 serious flight risk?

25 A. I believe there are factors of flight risks here.

1 MR. CASTLE: Objection. I'll re-ask my
2 question.

3 BY MR. CASTLE:

4 Q. Do you believe there is a strong risk of flight?
5 That's the standard we are here on for this motion.

6 A. Yes.

7 Q. What do you base the strong portion on?

8 A. The strong I would base on the fact that they have
9 a company in Canada run by family. I would base the
10 strong on overseas ties, overseas travel. I would base
11 the fact that we don't have a complete set or a complete
12 picture of their finances. We don't know how many
13 resources are out there. And I would also base that on
14 in this conspiracy there is identity theft and with that
15 comes the ability to manufacture identities, association
16 with those individuals to obtain those identities, if
17 necessary.

18 Q. Let's take those one at a time.

19 You said they have a company in Canada. Is
20 it your testimony or position that Maaz Aziz owns part
21 of SCS Canada?

22 A. The information I have is that they have a company
23 up in Canada. I haven't seen records for it. It is a
24 Canadian company. That will take time. It's a
25 continuing investigation. But based off of cooperating

1 defendant testimony, based off of record -- of FedEx
2 labels, based off of FedEx records, it appears that the
3 two companies are related. Maaz Aziz is the president
4 of SCS, related to SCS. Gizmobile is his business.
5 Yet, the wages for Gizmobile are paid by SCS. And so,
6 therefore, I would -- I would -- that would be why I
7 would say or why I would testify to him having an
8 interest in SCS Canada.

9 Q. Is it your position Maaz Aziz owns part of SCS
10 Canada?

11 A. I can't make that assertion at this time that -- if
12 you want records based on that, I don't have that at
13 this time.

14 Q. Okay. Do you have any evidence that Maaz Aziz owns
15 any portion of SCS Canada?

16 A. Outside of the evidence that we have so far?

17 Q. I haven't seen any yet, Agent.

18 My question is: Do you have any evidence
19 that Maaz Aziz owns any portion of SCS Canada? You're
20 saying they have a company. I'm asking what evidence
21 you have because there's none.

22 A. Again, I have the co-defendant testimony, and we
23 have the relationship between the FedEx records, FedEx
24 labels, familial tie, and co-defendant statements.
25 That's what I have at this time.

1 Q. So you would agree that you have no evidence that
2 he has a company in Canada?

3 A. I don't have business records evidence.

4 Q. He has a relationship, but he does not own a
5 company in Canada?

6 A. He would have access to this company if he doesn't
7 own it outright or on paper.

8 Q. Theoretically, wouldn't you agree that anyone could
9 be a risk of flight?

10 A. Anyone could be a risk of flight.

11 Q. That was -- your testimony earlier was he could be
12 a risk of flight?

13 A. He could be a risk of flight.

14 Q. Do you recall Mr. Gonzalez asking you are you aware
15 of white collar defendants fleeing?

16 A. Yes.

17 Q. And do you recall your answer?

18 A. Yes.

19 Q. Are you aware of white collar criminal defendants
20 appearing?

21 A. White collar defendants appear. Violent crime
22 defendants appear. It happened -- it happens in both
23 cases. There are several factors that can play into
24 whether a white collar criminal appears or flees. Same
25 with a violent crime criminal.

1 Q. And within -- I'm sorry --

2 A. Same with defendant -- yeah. Not criminal.

3 Q. My apologies to you and to the court reporter, of
4 course. She'll start yelling in a second. Rightfully
5 so.

6 You've been a FBI agent for 15 years?

7 A. Yeah, give or take.

8 Q. Roughly?

9 A. Yeah.

10 Q. And in that time, have you seen -- how many cases
11 would you say you've worked on where you have had
12 criminal defendants who were indicted?

13 A. I mean, numerous. In the criminal enterprise for
14 robberies, I would say at least five to ten cases there.
15 Drug cases --

16 Q. And how many total defendants in those cases?
17 Multiple defendants?

18 A. Multiple -- yeah. These are multiple enterprise
19 investigations.

20 Q. And you would agree that the majority of the
21 defendants in those cases appeared and didn't flee,
22 correct?

23 A. The majority of those in my investigations were
24 held.

25 Q. Okay.

1 A. Presumption cases.

2 Q. Presumption cases on the drug side.

3 And this isn't a presumption case, correct?

4 A. No, it's not.

5 Q. And there's no allegations that would support a
6 presumption case, correct?

7 A. No.

8 Q. And when you say "presumption case," just for a
9 clear record, what do you mean?

10 A. Presumption case, which is based off the type of --
11 the type of violation would dictate if it's a
12 presumption case, meaning that the presumption of bond
13 is on the defense. So, essentially, it starts out that
14 they're going to be detained, and then the defense has
15 to overcome that burden.

16 Q. And --

17 A. I'm sorry. I'm not a lawyer.

18 Q. It's a good explanation.

19 And what -- this case, not being a
20 presumption case, what is the presumption -- your
21 understanding of the presumption in this case?

22 A. I believe that the government has to show if it's
23 not a presumption case. That's not me being a lawyer,
24 but just going the other way. That if it's not a
25 presumption case, then we would have to show evidence

1 that there's a flight risk.

2 Q. Okay. And let's look a little bit more at the
3 factors you've just listed for why you think there is a
4 strong risk of flight.

5 You've agreed that anyone could be a risk of
6 flight. You've agreed there is no proof that he owns a
7 Canadian company.

8 The travel -- you put up a slide earlier. Do
9 you recall the countries he's reportedly traveling to?

10 A. For Maaz?

11 Q. Yes, sir.

12 A. For Maaz, I want to say it was Columbia,
13 El Salvador, U.A.E., Mexico. I think Qatar might have
14 been one of those. I think Qatar lastly or -- Qatar,
15 yes.

16 Q. Okay. And Canada. Do you know the reason for any
17 of those visits? Were they business or pleasure? Was
18 it a vacation?

19 A. I think the Mexico ones were to Cancun, so I would
20 assume pleasure there. The other ones I believe were
21 for business.

22 Q. Our neighbors to the north may not like to hear
23 that Canada is not a vacation destination. I'm just
24 going to throw that out there.

25 A. Well, I would tie that to the fact of the SCS

1 company.

2 Q. And where is the SCS Canada company located? Do
3 you know?

4 A. I cannot pronounce that. I mean, it's on the FedEx
5 label, but -- no. I don't have, like, an exact
6 geographical location of where that's at.

7 Q. Do you know what province it was in?

8 A. No.

9 Q. If I told you that he and his family went to Canada
10 to Toronto for vacation --

11 A. Now, that's Toronto -- that's -- I think that does
12 ring a bell, yes.

13 Q. So he went to Toronto for vacation. Would that
14 change your ideas about the concerns about travel?

15 A. It would just depend on where the province is at.

16 Q. The province would be Ontario.

17 A. Okay.

18 Q. I'm asking if you have any evidence to refute that
19 him and his family went there for vacation?

20 A. No.

21 Q. Okay. I'm saying if he went there for vacation,
22 would that still cause you concern about him being a
23 flight risk?

24 A. Well, it's not just the travel for whether it's
25 pleasure or not. It's also -- when you're talking about

1 travel, it shows the ability to travel. It shows the
2 know-how to travel. Whether he goes there to Canada for
3 pleasure or for business, the fact that there's still a
4 business interest there with family that could assist,
5 if needed, that's what I base that on.

6 Q. Okay. You also mentioned Pakistan, correct?

7 A. Uh-huh. Yes, sir.

8 Q. Travel concerns about Pakistan as -- in connection
9 with flight risk, correct?

10 A. If there was flight and with his Pakistani descent
11 and he was able to arrive to Pakistan, set up a
12 residence in Pakistan, extradition would be very
13 difficult.

14 Q. Do you know how long or how many times since
15 Mr. Maaz Aziz has been a U.S. citizen he's been to
16 Pakistan?

17 A. I do not.

18 Q. Would it surprise you to learn it's been one time?

19 A. If that's what you're telling me. I wouldn't know.

20 Q. Okay. And -- one time in 15 years. And you're
21 concerned he's going to flee to Pakistan?

22 A. He hasn't been facing federal charges before.

23 Q. We'll get to that.

24 And the one time he went, he went for his
25 sister's wedding.

1 A. Okay.

2 Q. Are you aware of that?

3 A. No.

4 Q. Stayed for only a few days. Could not get back
5 fast enough. Were you aware of that?

6 A. Not aware of that.

7 Q. And then the sister he went to see get married,
8 were you aware that she now lives in Texas?

9 A. I'm not, no. Not aware of that.

10 Q. So the simple fact he's of Pakistani descent can
11 be -- the government's position makes him a flight risk
12 he would run back to Pakistan?

13 A. It's a country that he could return to with his
14 Pakistani descent, if need be, if he was trying to avoid
15 or flee prosecution.

16 Q. Are you sure he would be welcomed back in Pakistan?
17 It's speculative.

18 A. Based off my conversations, with the Pakistani
19 heritage, he could apply to stay. He is a U.S. citizen.
20 That could cause deportation, but the Courts are a
21 little wishy-washy on that. So it's not a -- it's not a
22 for sure if the Courts would deport him as a USC.

23 Q. Do you have any idea whether Maaz Aziz has any
24 interest in ever visiting, much less fleeing to
25 Pakistan?

1 A. No, I do not.

2 Q. Do you have any opinion on whether an American
3 prison is nicer than a rural house in Pakistan?

4 A. I do not.

5 Q. Do you know whether he does?

6 A. I do not.

7 Q. You have no evidence he made any effort to flee the
8 country in any way, shape, or form, correct?

9 A. No.

10 Q. No conversations? No witnesses? No nothing?

11 A. No.

12 Q. Correct?

13 A. No.

14 Q. You have no knowledge or no evidence of any foreign
15 bank account, correct?

16 A. We're still continuing our financial investigation.
17 With 65 bank accounts we're trying to get through, which
18 is a large number of bank accounts, we're still trying
19 to identify if those foreign bank accounts do or do not
20 exist. We're still in that process.

21 Q. Well, you're saying 65 bank accounts. Sixty-five
22 accounts --

23 A. Not just for Maaz. I apologize.

24 Q. That's been confusing me all day.

25 A. Let me clear that up. That's for SCS-related

1 entities and Saad and Maaz all combined altogether.

2 Q. And for SCS-related entities, is Maaz a signatory
3 on any of those accounts?

4 A. I don't know if he's a signatory.

5 Q. Wouldn't that be easy information for the FBI to
6 get?

7 A. It could be, yeah. I mean --

8 Q. And in the year since this case has been indicted,
9 you have not looked?

10 A. It's not been a year since this case has been
11 indicted. This case was indicted in December of 2020 as
12 a robbery case. SCS came on to our radar or as part of
13 the investigation around April of 2021.

14 Q. I'll rephrase.

15 In the six months, you didn't look to see who
16 was on the bank accounts?

17 A. It's a large investigation. Our financial
18 accountant --

19 Q. I understand. It's my client's freedom. I'm not
20 criticizing your investigation. I'm just trying to
21 figure out what's been done and hasn't been done.

22 MR. GONZALEZ: Objection, your Honor.

23 THE COURT: I'm going to allow the question.

24 BY MR. CASTLE:

25 Q. So you don't know if he's the signatory on any

1 accounts?

2 A. I don't know if he's a signatory on a SCS account,
3 no.

4 Q. So you have no evidence he could access any money
5 from SCS or SCS Canada directly, correct?

6 A. Not that he could access it, no.

7 Q. Okay.

8 A. But that doesn't mean other people couldn't access
9 it.

10 Q. Well, you have no evidence he's asked someone to
11 access that money, correct?

12 A. Not at this time.

13 Q. So you would agree that the serious risk of flight
14 or the could be a flight risk answer you gave earlier
15 simply is speculative and a worst case scenario. Would
16 you agree with?

17 A. I think when you take into account the weight of
18 the evidence as this investigation moves down the
19 line -- we're also at the early stages. We're just now
20 getting into the SCS warehouse. There's a lot of
21 records to go through that could increase the loss
22 amount. That could increase other factors within the
23 investigation. And once that weight becomes -- if it
24 becomes a bigger weight -- if that becomes a large --
25 the defendant now faces more serious time due to that,

1 that could change how things move. That could change
2 the defendant's outlook on avoiding prosecution,
3 fleeing, or remaining.

4 Q. And, again, you would agree that the use of the
5 verb "could" indicates speculation?

6 A. It's -- the investigation is still ongoing. It's
7 still continuing. It's not like this is a three-year
8 white collar investigation that's ended and the crime
9 has stopped and now we've had three years to investigate
10 it. This activity was ongoing. It was in the
11 enterprise form. It was stopped the day before the
12 search warrant at SCS. There was alleged criminal
13 activity taking place with stolen vacuums. So this was
14 ongoing criminal activity, and the investigation has yet
15 to catch up with the activity.

16 Q. Again, you would agree it's speculative as to what
17 may happen if the investigation gets worse or on the
18 flip side what happens if the investigation gets better?

19 A. At this point, yes.

20 Q. Okay. Thank you.

21 And you've mentioned that there was business
22 going up -- up until the day before the search warrant,
23 correct?

24 A. Yes.

25 Q. Since that time, has SCS been operating?

1 A. No. The warehouse has not been operating. I don't
2 know if there's other types of operations with the
3 company outside of the warehouse, but the warehouse has
4 not been operating.

5 Q. And that's where you also saw office space. If I
6 remember during your PowerPoint correctly, it's not just
7 a warehouse, but offices?

8 A. Offices, yes. Processing areas.

9 Q. If we're going with speculation, Agent -- and so
10 you're aware -- so that the timeline -- make sure I've
11 got it in my head here.

12 On August 24th, you ran search warrants?

13 A. Correct.

14 Q. The government ran search warrants. Not you. I'm
15 using the generic here.

16 A. I got you.

17 Q. Search warrants on SCS, correct?

18 A. Correct.

19 Q. Saad Aziz's home?

20 A. Correct.

21 Q. Maaz Aziz's home?

22 A. Correct.

23 Q. And anything else related to --

24 A. Gizmobile.

25 Q. Gizmobile. One location of Gizmobile, correct?

1 A. Yes.

2 Q. And during the execution of those warrants, were --
3 was Mr. Aziz hostile?

4 A. I was not at either location, but based off what
5 I've been told, neither Maaz nor Saad were
6 confrontational in any manner.

7 Q. Okay. Were you aware that one of the agents on
8 site said, hey, you have been extremely nice and
9 helpful?

10 A. I'm not aware of that, but based off of what I've
11 heard, that wouldn't surprise me.

12 Q. And if he had been hostile or non-cooperative, that
13 would have reached your level --

14 A. Yes.

15 Q. -- I would think as lead agent, correct?

16 A. Correct.

17 Q. Do you recall asking during the search of the
18 house -- you know, you were asked whether there was, you
19 know, any sight of a passport or anything else by
20 Mr. Gonzalez.

21 During the search warrant, did you find
22 passports in the house? I think you said you didn't
23 know --

24 A. Yeah. I just don't know. I wasn't there, and I
25 can't recall if passports were found there or not.

1 Q. Okay. And if I told you that the passports were
2 next to certain watches you seized -- literally right
3 next to them -- would that surprise you?

4 A. I wouldn't know.

5 Q. Okay. And were you aware that at the time the
6 search warrant was executed, there were two firearms in
7 the house?

8 A. I can't recall.

9 Q. Okay. I'll represent and acknowledge there was a
10 rifle and a shotgun, which has subsequently been
11 removed --

12 A. Right.

13 Q. -- along with ammunition.

14 And are you aware that at the time the agents
15 and the parties executing the warrant and were there,
16 they disassembled both firearms?

17 A. The agents did?

18 Q. They did, yes, sir.

19 A. Disassembled or just made safe?

20 Q. Disassembled. Took apart.

21 A. Was that to box it up? I mean, I don't know.

22 Q. That was my question to you.

23 They weren't stored in boxes. They were in a
24 locked cabinet.

25 Why didn't the agents seize the gun if there

1 were concerns about any type of safety or anything else
2 along those lines?

3 A. Why didn't they?

4 Q. Yes, sir.

5 A. They didn't seize the guns?

6 Q. No, sir.

7 A. Because at that time, Mr. Aziz was a United States
8 citizen. He was legally entitled to hold those.

9 Q. Okay. So on August 24th, they have search warrants
10 run. We can agree on that.

11 A. Uh-huh.

12 Q. And in the week following, they didn't flee, right?

13 A. No.

14 Q. You have no evidence they made any plans to flee?

15 A. No.

16 Q. Any contingency plans, right?

17 A. We have no evidence.

18 Q. And did you participate in a meeting with the Aziz
19 brothers, Mr. Gonzalez, their civil attorney Mr. --

20 A. The civil attorney.

21 Q. The civil attorney. I'm going to mess the name up.
22 I apologize for being disrespectful.

23 Did you participate in that meeting?

24 A. I was in that meeting.

25 Q. And during that meeting, weren't they told there is

1 an indictment coming down for you guys?

2 A. They were.

3 Q. Okay. And did they flee after that?

4 A. They could have.

5 Q. Did they?

6 A. No.

7 Q. Wouldn't that be a better time to flee before
8 you're indicted?

9 A. Again, at that time, they didn't have a full view
10 of what the investigation was -- the evidence that was
11 there, which has since changed.

12 Q. Wouldn't you agree that if you're told you're going
13 to get indicted, it's better to flee before you get
14 indicted?

15 A. It could be. It depends on if they're trying to
16 see what we have or what the total amount of evidence
17 is, what they're facing, what the outlook is. All those
18 factors could play into it.

19 Q. My point is they didn't flee, right?

20 A. They didn't flee.

21 Q. And then on or about September 19th, there was an
22 indictment, correct?

23 A. Correct.

24 Q. Do they flee then?

25 A. No.

1 Q. Are you aware that on September 10th, my office
2 sent a letter to Mr. Gonzalez saying we plan to
3 peacefully surrender and we'd be happy to send you the
4 passports in advance or bring them to you and
5 self-surrender?

6 A. Yes.

7 Q. And are you aware that September 10th is over two
8 and a half weeks ago, right?

9 A. Yes.

10 Q. And self-surrender was not -- it was pushed down
11 the line.

12 Are you aware that, again, on September
13 the 14th, we sent an e-mail saying, hey, just to give
14 you comfort here, we have taken possession of the
15 passports. We're not going to give them back. We're
16 going to supply them to you. Were you aware of that
17 e-mail?

18 A. Yes.

19 Q. And at that time, had they fled?

20 A. No.

21 Q. And then did you participate in a call with
22 Mr. Wohlford and myself from my office and Mr. Gonzalez
23 discussing the terms of the self-surrender?

24 A. Yes.

25 Q. Were you aware that prior to that call there were

1 multiple communications about self-surrender?

2 A. It seems like there was some e-mail chatter from
3 both.

4 Q. Okay.

5 A. Yes.

6 Q. And were you aware of additional phone calls
7 between Mr. Gonzalez and myself trying to coordinate
8 that self-surrender?

9 A. Yes, to a degree.

10 Q. And during that call, we came up with the Thursday
11 deadline of September 24th?

12 A. Correct.

13 Q. And then there was the offer of, hey, if your guy
14 will come in and proffer and cooperate, we won't seek to
15 detain?

16 A. Not just if he just came in and proffered, but if
17 he came in -- honestly, if he came in and truthfully
18 accepted responsibility and basically beginning
19 cooperation with the government to a degree in that we
20 start to get comfort that there is no flight risk. We
21 get a chance to interview the defendant. We get more
22 information about foreign contacts, foreign companies,
23 travel. All -- just to get a better mitigate -- it
24 would help mitigate, give us more comfort that there is
25 no flight.

1 Q. And that would be a pretty lengthy proffer session,
2 wouldn't it? I mean, probably hours?

3 A. Could be.

4 Q. And may not get all that in one proffer session,
5 correct?

6 A. Depending on how long it goes and how long the
7 parties are willing to stay there, but we have been able
8 to get there before.

9 Q. So if they cooperated and -- proffered and
10 cooperated and gave up all their constitutional rights
11 to defend themselves and their protections, you wouldn't
12 seek detention, but if they didn't cooperate, you would
13 seek detention?

14 A. Well, since it's a proffer, none of that would be
15 allowed to be used against them.

16 Q. Well, you agree then the use of -- whatever is --
17 provided could be used? I mean, "tomato" and "tomato."

18 A. Yes. Not only -- that in place, if they come in
19 and begin the cooperation process, it gives us more
20 comfort. It helps mitigate any flight risk.

21 Q. Okay. So you've never had -- you've never had a
22 person or become aware of someone cooperating and then
23 fleeing?

24 A. I have had that, yes.

25 Q. Okay.

1 A. It has happened.

2 Q. So they could still be a flight risk?

3 A. It could still be a flight risk. Like you said,
4 it's speculative to a degree.

5 Q. Okay. And we did self-surrender, correct?

6 A. You did.

7 Q. On September 24th?

8 A. Yes.

9 Q. Which is a month to the day after the search
10 warrant?

11 A. Yes.

12 Q. Multiple opportunities to flee?

13 A. Yes.

14 Q. We -- you would agree that the self-surrender
15 kept getting pushed back, pushed back? Would you agree
16 with that? It took a little while to get the
17 self-surrender --

18 A. It took a little while to get the self-surrender in
19 place, yes.

20 Q. And during that time, you'd agree that the
21 government didn't have passports, correct?

22 A. We did not. I think there was some -- during that
23 time frame, though, there was some representations made
24 that the attorneys had their passports.

25 Q. Correct. But the government didn't have them?

1 A. We didn't have them. I think there was one
2 representation made that we had them through the SCS
3 Supply Chain warehouse, but I think now those -- those
4 have been found elsewhere. But at the time, it sounded
5 like the passports were -- that the passports were in
6 the custody of the attorneys.

7 Q. Okay. So let's go back to SCS Canada for a minute.

8 A. Uh-huh.

9 Q. We've already discussed he has a relationship with
10 the company. You can't prove he owns it. Public
11 records in Canada, whatnot. And you believe that -- is
12 it your position that SCS -- sorry.

13 Is it your position that SCS Canada is
14 engaged in illegal conduct at this point?

15 A. To a -- yes.

16 Q. And to this point, have you reported them to
17 Canadian authorities?

18 A. No.

19 Q. Have you indicted anyone there?

20 A. No.

21 Q. Have you sought extradition?

22 A. We haven't indicted anyone yet.

23 Q. Have you sought any type of discovery or documents
24 or worked with Canadian authorities into SCS Canada?

25 A. Not at this time.

1 Q. So you have no idea of anything about the
2 operations of the company other than it has a name and
3 some relationship?

4 A. It has a name. And then in financial statements
5 for Interstellar General Trading Partners that were
6 obtained out of an iCloud account, we do see that SCS
7 Canada is listed in those financial statements. And --

8 Q. I'm sorry. Pardon me. Go ahead.

9 A. Thus, corroborating, to a degree, from the
10 cooperating defendants' statements that product was
11 being sent from SCS Canada over to Dubai, and these
12 would have been your new MacBooks, laptops, non-phone
13 devices that are new that are going to be obtained by
14 some sort of device trafficking and sent overseas for
15 the most part.

16 Q. And -- and is it your position that Interstellar
17 has zero legitimate business?

18 A. It's hard for me to say that at this point. There
19 can always be some legitimate with MacBooks through some
20 sort of seasonal discount. Maybe some sort of --
21 whatever type of discount, trade-in that could be put
22 into the mix, but overall most of the devices that are
23 going overseas are going to have been obtained through
24 some sort of illegal means.

25 Q. Okay. So anything involving cell phones going

1 overseas is illegal?

2 A. Not just cell phones, but new -- newly obtained
3 devices. Generally, new in the box, locked or unlocked
4 in bulk. And so what we've found in these
5 investigations is these brand new devices that are being
6 obtained in bulk by SCS, RJ Telecom, they're going
7 overseas because there's a market over there for those
8 devices. If they can sell them here -- because
9 oftentimes through transit theft, there is a long delay
10 or sometimes never blacklisting of the device. That
11 device can be sold locally. But if they have new
12 devices, RJ Telecom and SCS, based off of records,
13 cooperating defendant statements, those devices normally
14 get sent overseas because there's a network that can
15 support them.

16 They'll make their way to a country that
17 doesn't participate in the blacklist where there's a
18 less chance of a blacklisted device popping up on the
19 blacklist not working here in the United States like it
20 would -- like it would here in the United States.

21 Q. Are you aware of whether SCS or SCS Canada has ever
22 participated in a carrier auction?

23 A. I do believe they've participated in carrier
24 auctions, yes.

25 Q. For the purposes of a clean record, what do you

1 understand a carrier auction to be?

2 A. To a limited degree, that would be a Sprint, a
3 T-Mobile auctioning generally used devices. Opening up
4 the auction and allowing some people to come in and bid
5 on used devices.

6 Q. Okay. And those used devices can then be resold,
7 correct?

8 A. Correct. Because, typically, they're anticipated
9 to be clean since they're coming from a carrier auction.
10 There are times, though, where blacklisted devices will
11 still make their way through those auctions.

12 Q. What happens to those blacklisted devices that made
13 their way through a carrier auction?

14 A. At a carrier auction, from my understanding --
15 especially in a more -- like, more recently, those can
16 actually be returned to the carrier auction for some
17 sort of discount -- not discount, but exchange.

18 Q. Exchange or credit?

19 A. Right.

20 Q. Are you aware of terms before the recent Exchange
21 Credit Program that were in place during the relevant
22 time period charged in your indictment?

23 A. Were these terms -- they're more recent. Yes.
24 They would still fit the time frame, yes.

25 Q. Are you aware of warnings in terms of conditions

1 and conditions to the auctions relating to percentages
2 of blacklisted phones?

3 A. No.

4 Q. Have you ever read all of the terms and conditions
5 of each carrier auction?

6 A. I've never seen the terms and conditions for
7 carrier auctions.

8 Q. Would it affect your opinion if they note that a
9 certain percentage of phones purchased could be
10 blacklisted?

11 A. Related to the used phones or the new phones that
12 we're talking about? Because primarily this conspiracy
13 is focusing on new phones and new devices. Because we
14 understand the used devices, there is a much larger
15 grayer gray market, if you will, because it's harder to
16 ascertain where those devices are coming from and if
17 they're blacklisted or not.

18 Q. Correct. I understand primarily. My question is a
19 little different.

20 Are you willing to exclude any used phones
21 from your investigation in the scope of the indictment?

22 A. In the scope?

23 Q. Are you willing to exclude those from the
24 indictment? Any used phones?

25 A. Any used phones or used phones because there is

1 transit theft that makes its way back into those carrier
2 auctions, right? And so if those phones are still
3 purchased --

4 Q. Correct.

5 A. -- and still sent overseas or disposed of through
6 other means or manners, then they would be included. If
7 they can tell that they're used clean devices -- we've
8 already seen that in some other cases -- then that
9 wouldn't be included in the scope of the conspiracy.
10 Now, part of that also depends on the commingling of
11 funds. If they're using funds from the sale of new
12 devices that are being sent overseas and the proceeds
13 come back dirty and then those proceeds are being used
14 to purchase clean devices, that could change the outlook
15 on that.

16 Q. So used phones may be part of your indictment?
17 They may not be?

18 A. It just depends if they're purchased with dirty
19 proceeds is the long way of saying that.

20 Q. So source of the funds?

21 A. Source of the funds.

22 Q. So it's not part of the stolen materials count. In
23 other words, the money laundering count?

24 A. Yes.

25 Q. So used phones are limited to money --

1 A. No. I apologize. Did I just say that?

2 Q. You did.

3 A. No. Let me catch myself. No. I'm sorry. So the
4 money laundering count obviously is a part of the
5 perpetuation of the scheme. Interstate transit of
6 stolen property -- if those -- if those proceeds come
7 back from the sale of interstate -- from stolen property
8 from overseas and those funds are used to purchase used,
9 new clean inventory, then those could be included in the
10 wire count, I would believe.

11 Q. Okay. So --

12 A. Because now you're getting clean money -- let me
13 get my statement right. Give me one second. Let me
14 make sure -- you're asking me a question that I have to
15 run through real quick.

16 Definitely -- I would think Count 7. I can't
17 speak to the other counts right now.

18 Q. Fair enough.

19 Are you aware of any direct connection
20 between Maaz Aziz and Interstellar?

21 A. No direct connection, no. Like as far as there
22 being text messages, e-mails, and things like that?

23 Q. Sure.

24 A. No.

25 Q. Okay. And so you're talking about stuff from SCS

1 Canada to Interstellar, but we have no evidence of
2 Maaz's involvement of SCS Canada. No ownership, no
3 knowledge or evidence on setting up bank accounts,
4 access to funds, or anything. And -- I just want to
5 clarify.

6 You don't think that Maaz has contacts
7 sufficient to call someone at Interstellar directly,
8 correct?

9 A. I don't know at this time.

10 Q. You have no evidence?

11 A. I have no evidence.

12 Q. Okay.

13 A. Correct.

14 Q. Do you know how long Mr. -- I'm just going to say
15 Maaz.

16 How long Mr. Maaz has lived in North Texas?

17 A. For some time, I think.

18 Q. Give me -- can you quantify your version of "some
19 time"?

20 A. Yeah. I mean, is it over ten years?

21 Q. Ballpark ten.

22 A. Yeah.

23 Q. Are you aware that he graduated high school -- went
24 to high school, graduated here in Irving, Texas?

25 A. I think a little bit of college.

1 Q. A little bit of college here in Texas?

2 A. Yeah.

3 Q. Are you aware that he met his -- married his high
4 school sweetheart?

5 A. I didn't know it was his high school sweetheart,
6 no.

7 Q. They've been together for almost the whole time
8 that he's been here. Are you aware of that?

9 A. No.

10 Q. Do you know how many children Maaz has?

11 A. I think he has four children.

12 Q. And do you know their ages?

13 A. I do not.

14 Q. The oldest one is five. He has four children five
15 and under.

16 Did you know he lives with his mother-in-law?

17 A. I did.

18 Q. Did you know that the sister he saw get married in
19 Pakistan now lives in the U.S.?

20 A. You told me that earlier.

21 Q. Did you know that his brother lives in the same
22 neighborhood as him?

23 A. Yes.

24 Q. Did you know that his mother lives with his
25 brother?

1 A. I did not.

2 Q. Are you aware that for the remaining family he has
3 in Pakistan, he virtually has no relationship or
4 communication?

5 A. No.

6 Q. Would it surprise you if he would -- you'll hear
7 that he considers his life in Texas and not Pakistan.

8 A. Okay.

9 Q. Have you reviewed the pretrial services report?

10 A. I have.

11 Q. There was discussion of a potential flight risk
12 based on the lack of a job.

13 If he had gainful employment with a
14 22-year-old company that had nothing to do with cell
15 phones that covered his monthly bills, would that change
16 any of your analysis of a flight risk?

17 A. Depends if the job could cover the monthly
18 expenses. Did you say that?

19 Q. It covers the monthly expenses.

20 A. You're still looking at the weight of the evidence.
21 So even if the job -- even if the job covers those
22 expenses, at the point where the investigation reaches
23 that there's significant time on the table, that could
24 change things.

25 Q. Correct. But right now as opposed to qualifying

1 in the "Chicken Little sky is falling worst case
2 scenario" --

3 A. Uh-huh.

4 Q. -- today, when this judge has to decide this case,
5 does the presence and existence of a job that covers his
6 monthly expenses -- expenses --

7 MR. CASTLE: Pardon me, your Honor.

8 BY MR. CASTLE:

9 Q. -- covers the expenses, coupled with the fact that
10 his family is here, his life is here. He's built a
11 life. We can look at the information attached to our
12 response from -- you know, specific involvement with his
13 mom. You'll hear evidence about his importance to his
14 family, and the fact that he had a month to run and
15 never did.

16 But one thing they dinged him on is he
17 doesn't have verifiable employment. I'm asking you if
18 there was verifiable employment today -- not six weeks
19 from now, not six months from now, or not six years from
20 now when we're on the eighty-third superseding
21 indictment. Today does that change your assessment?

22 A. For today?

23 Q. Yes.

24 A. That could be a mitigating factor.

25 Q. Could be or would be?

1 A. It could be. Again, we're talking -- if we're
2 talking about speculative what's going to happen.
3 That's one more thing that could allow him to stay here,
4 but, again, we're talking about what happens when the
5 weight of the evidence becomes too much and there's a
6 sentence out there. Because a job today is not much
7 different than the last month where he stayed. Now the
8 fact that he has verifiable employment, that also
9 doesn't mean that he's not going to use his network to
10 supplement that job income, especially if it becomes
11 insufficient after making a very decent living with the
12 SCS Supply Chain proceeds over the last few years. Now
13 you could move back into needing to supplement that
14 income with a network of device traffickers to get back
15 into device trafficking.

16 Q. Okay. So if we're going to play the guessing game,
17 let's -- what happens if I file a motion to suppress the
18 entirety of the evidence from your search warrant and
19 CD 4 and 5 and the Azizs get thrown out, doesn't that
20 mitigate further that that job makes a big difference?
21 I mean, we could play this game all day is my point.

22 A. Sure. Yes.

23 Q. You have no proof he has foreign property, right?
24 No evidence of him owning any foreign property?

25 A. No.

1 Q. You have no evidence of him having a foreign bank
2 account?

3 A. Not at this time.

4 Q. You have no evidence he's made any plans to try to
5 flee the country?

6 A. Not at this time.

7 Q. He's never made an effort, correct?

8 A. Not that we know of.

9 Q. He had the chance after August 24th pretty much for
10 a month to flee, correct?

11 A. He had the chance.

12 Q. And he didn't, did he?

13 A. No, he did not.

14 Q. Instead, he showed up, self-surrendered, and came
15 here for his hearing today?

16 A. Correct.

17 Q. Let's go more into your investigation here.

18 This case was -- strength of evidence and the
19 (g) factors --

20 MR. CASTLE: Your honor, I'll be brief on
21 these. I know it's been a long day.

22 BY MR. CASTLE:

23 Q. You first indicted this case in 2020?

24 A. Correct.

25 Q. How many people were initially indicted?

- 1 A. I think five in the first one.
- 2 Q. Okay. How many people have been indicted now
- 3 through the fourth?
- 4 A. One-hundred-twelve.
- 5 Q. And Maaz was not indicted until the fourth
- 6 superseding --
- 7 A. Fourth.
- 8 Q. Okay. And you first became aware of Maaz or SCS
- 9 Supply Chain when?
- 10 A. In March -- late March, early April time frame.
- 11 Q. If I told you your slide said April 21st --
- 12 A. I think that was the date of the first controlled
- 13 sale.
- 14 Q. First controlled sale?
- 15 A. Yes.
- 16 Q. Okay.
- 17 A. But I think we had actually become aware of him
- 18 prior to that -- I know we became aware of him prior to
- 19 that.
- 20 Q. Okay. And then the first controlled sale -- as
- 21 we're walking through things, was that recorded?
- 22 A. Yes. Audio, video.
- 23 Q. Audio, video.
- 24 Okay. Is Maaz Aziz on that video?
- 25 A. No.

1 Q. Is he -- is he audibly recorded on that video?

2 A. No.

3 Q. Show up in the background as an extra?

4 A. No.

5 Q. Okay. So there's a federal case for about a year.

6 There's no seizure warrant, correct?

7 A. Seizure?

8 Q. Seizure warrant at the warehouse? Is that a

9 seizure warrant?

10 A. A search warrant.

11 Q. Okay. So after you first learned about him, you
12 let SCS continue operating for about six months? Would
13 that be -- give or take, six or seven months?

14 A. April to August. I wouldn't say that we let them
15 operate. That was the time frame that we were beginning
16 to collect the first part of our evidence, yes.

17 Q. So is it March or April? March or April? March,
18 April?

19 A. Yeah. It's late March, early April because part of
20 that -- first identified through the review of bank
21 statements as a major supplier for RJ Telecom, Smart
22 Cellular Solutions. And then you move into identifying
23 other parts of them leading up to the controlled sale on
24 April 21st.

25 Q. Okay.

1 A. So it is kind of that general time frame. But
2 really where they first -- where they first became --
3 when we became very aware of them in the investigation
4 is when a controlled sale with one of their suppliers
5 Dawn Wireless -- surveillance followed them to SCS
6 Supply. Before that it was just on paper and trying to
7 obtain more information about them as a company.

8 Q. Okay. And why did you run the search warrants at
9 each of the four locations we've discussed earlier?

10 A. Why?

11 Q. Uh-huh.

12 A. At SCS -- at SCS we ran the search warrant after
13 seeing four controlled sales going there to determine if
14 that's where -- if there were other stolen property in
15 that warehouse after we saw device trafficking through
16 surveillance go there and three controlled sales with
17 Gizmobile, which is an entity related to SCS Supply.
18 The Gizmobile after doing -- the other thing we were
19 looking for there in the SCS Supply warehouse was
20 records.

21 So when we conducted our search warrant at
22 RJ Telecom's Global One Wireless cell phone repair
23 store, which would be similar to Gizmobile, we obtained
24 a computer there. We were able to obtain records --
25 Excel spreadsheets that documented the purchase and sale

1 of these transactions. And so in doing that, we thought
2 that a search warrant at SCS Supply Chain could result
3 in additional records helping to identify more device
4 traffickers, individuals selling devices to them, where
5 they're selling the devices to at that point.

6 For Gizmobile, it was the same thing. The
7 transactions were happening there. We are looking to
8 obtain computers there. Any other new stolen devices
9 that could be there that we could trace back to being
10 stolen. That was the purpose for Gizmobile. And then
11 at the residences, to obtain cell phones so we could
12 obtain messages, chats, e-mails to show correspondence
13 between device -- other device traffickers, other
14 suppliers, wholesalers. Also looking for any other
15 types of stolen property that could be at the house.
16 Computers or anything else that might have records in
17 it, stolen property, or -- or cell phones. Those type
18 of things. Additional evidence to substantiate the
19 evidence that we had at that point.

20 Q. Okay. What was the probable cause that existed at
21 the time of the search warrant for his home?

22 A. For the home?

23 Q. Yes.

24 A. We had conducted the controlled sales at Gizmobile,
25 a controlled sale with Ali Anwar for Dawn Wireless.

1 Those all led back to SCS warehouse. We have a FBI
2 white collar investigation that involves -- I'm sorry.
3 Let me hold -- let me retract that.

4 We had the Samsung investigation with Avaz
5 Karimov who was purchasing devices from Clifton Smith
6 who worked at the warehouse. Those devices were popping
7 up through the Canadian companies that had purchased
8 those from SCS warehouse through Gizmobile.
9 Essentially, various investigations to show the
10 involvement or other -- other evidence in this
11 investigation of Saad and Maaz Aziz. We also had
12 surveillance at those two residences. And on one
13 morning, the TF0 conducting surveillance saw them leave
14 with boxes out of their residence and drive from their
15 residence to SCS Supply Chain. I can't remember which
16 individual that was.

17 Q. Okay. A TF0?

18 A. TF0, task force officer. I'm sorry.

19 Q. Just for a clean record.

20 A. Sure.

21 Q. Okay. On the controlled sales at Gizmo, was Maaz
22 on the video or audio?

23 A. No.

24 Q. Of the controlled sales at Dawn, was Maaz on the
25 video or audio?

1 A. No.

2 Q. The Samsung investigation with Avaz Karimov --

3 A. You're right. Avaz Karimov.

4 Q. Was there any evidence at that time or today of any
5 direct communications between Maaz and Avaz?

6 A. Avaz Karimov, no.

7 Q. And then the surveillance -- you saw somebody
8 carrying boxes. One of the brothers carrying boxes.
9 You don't know which one?

10 A. Yeah. I can't recall which one.

11 Q. Boxes?

12 A. Yes. I don't know exactly what the boxes were at
13 this time.

14 Q. Is there any evidence of a crime at his home?

15 A. No. The other part of that is oftentimes these
16 guys that we've seen in this investigation is they use
17 their cell phones to communicate with other individuals.
18 Those cell phones are usually kept on person. So those
19 cell phones are going to contain evidence that -- or we
20 would believe there to be of correspondence of e-mails,
21 of purchase orders, of Excel spreadsheets that are
22 passed back and forth. So those -- that type of
23 evidence is often found on cell phones.

24 Q. And, again, just for the record, cooperative, to
25 the best of your knowledge, during the execution of the

- 1 search warrant?
- 2 A. Yes.
- 3 Q. And his four children were there?
- 4 A. I would imagine so, but I can't --
- 5 Q. And his wife was there?
- 6 A. Yes.
- 7 Q. And not hostile at all?
- 8 A. No.
- 9 Q. Not resistant?
- 10 A. No.
- 11 Q. You would agree, wouldn't you, Agent, that the mere
- 12 presence of stolen items is not a felony, right? You
- 13 can't accidentally commit a felony, right?
- 14 A. Say that again.
- 15 Q. You can't accidentally commit a felony, right?
- 16 A. In what way? What are you --
- 17 Q. I'm saying mere possession of stolen goods is not
- 18 in and of itself a felony, correct?
- 19 A. You're saying the knowledge component?
- 20 Q. Correct.
- 21 A. Okay.
- 22 Q. You would agree then that you can't accidentally
- 23 commit a felony? I'll represent that the Supreme Court
- 24 agrees with me.
- 25 A. That makes sense, yes.

1 Q. You have to knowingly and intentionally do it,
2 correct?

3 A. Correct.

4 Q. As we sit here, do you agree that each one of these
5 crimes has an actus reus -- I get to go back to law
6 school.

7 MR. CASTLE: I've discussed law school for
8 the second time today, Judge.

9 BY MR. CASTLE:

10 Q. An actus reus and a mens rea.

11 What is the proof that Maaz Aziz knew
12 anything was stolen?

13 A. When you're talking about the Bissell vacuum
14 transaction --

15 Q. I'm talking about any proof. Let's talk about the
16 DeWalt one. That's one you were really proud of. We'll
17 go to the DeWalt drill transaction.

18 A. I don't know that he was involved. I think that
19 was Saad.

20 Q. That's Saad. Okay. We'll go with the Bissell
21 vacuum.

22 A. Correct.

23 Q. Okay.

24 A. So you're arriving to a Best Buy parking lot.
25 There's two U-Hauls there. You hand over \$20,000 in

1 cash.

2 Q. Okay.

3 A. And you drive away in two U-Hauls. You get to the
4 loading dock. You unload brand new in the box vacuum
5 cleaners.

6 Q. Okay.

7 A. At that point, you drive the U-Hauls away, but you
8 don't drive them back to the same spot. The individual
9 that sold them to you didn't come with you to your
10 warehouse. He doesn't -- he is not there to drive the
11 U-Hauls away. You leave him there, and you go drive
12 these U-Hauls separately. And then you drive them back,
13 and you park them in different places.

14 You also have a cooperating defendant who
15 says these were clearly stolen based off the price
16 volume, based off of the volume, the pricing. They're
17 new in the box. They know that the cooperating
18 defendant's not in the business of selling large
19 quantities of any types of goods. And to be able to
20 come across these types of products, he doesn't have
21 that capability especially at such a reduced pricing.

22 Q. So it's speculation? Supposition?

23 A. I wouldn't say that. I would call that different
24 forms of evidence to form a picture.

25 Q. Let's break that down a little bit.

1 Is it illegal to use a U-Haul truck and
2 conduct a legitimate business?

3 A. Not when you break it down individually.

4 Q. No. We're going to take it piece by piece. We're
5 going to come back to this. It's fascinating that's
6 it's knowledge of a crime.

7 Is it illegal to use cash? Are \$100 bills
8 still legal tender in the United States?

9 A. They are.

10 Q. Is it an acceptable form of payment outside of
11 COVID?

12 A. It is. It's also indicative of criminal activity.

13 Q. So when I paid dinner -- cash for dinner last
14 night, that was criminal activity?

15 A. It depends if it was \$20,000.

16 Q. That would be a heck of a dinner.

17 My point is when you say he's not --

18 A. Not just the use of it in and of itself, no. It's
19 multiple factors taken together.

20 Q. Okay. Are you aware of auction sites that exist,
21 Agent?

22 A. Like, for consumer goods? Different auction sites?

23 Q. No. No. Just like this. DeWalt drills, Advanced
24 Auto Parts, B-Stock Auctions. Have you ever heard of
25 them?

1 A. I have heard of B-Stock Auctions.

2 Q. Do you know what they do?

3 A. No.

4 Q. Okay. Because this is going to fascinate you.

5 B-Stock Auctions takes all of the overstock,
6 the surplus, the stuff they didn't sell from
7 manufacturers and sells it cheap. I'll give you a prime
8 example. One of my clients --

9 MR. GONZALEZ: Defense counsel is testifying.
10 Is there a question coming?

11 MR. CASTLE: There's a question coming,
12 absolutely. I had to preface it with a question for
13 my --

14 Sorry, Judge.

15 THE COURT: Is there a question?

16 BY MR. CASTLE:

17 Q. Question: Are you aware of how B-Stock operates?

18 A. No.

19 Q. Are you aware that B-Stock agrees to sell bulk for
20 manufacturers?

21 A. No.

22 Q. Would you have any reason to disagree that they
23 routinely sell in bulk at a markedly steep discount?

24 MR. GONZALEZ: I'm going to object. It's
25 already been asked and answered. He said he doesn't

1 know anything about B-Stock Auctions.

2 MR. CASTLE: That actually mischaracterizes
3 his prior testimony. He said he was aware of B-Stock.
4 I'm asking what knowledge he knows.

5 BY THE WITNESS:

6 A. Yes --

7 THE COURT: Gentlemen, the Court does
8 certainly understand the line of questioning that you're
9 trying to pursue. I get the point that you're making.

10 Let's go ahead and move on.

11 MR. CASTLE: Okay.

12 BY MR. CASTLE:

13 Q. When you ran the search warrant of the business,
14 were you ever present?

15 A. No. Not during the search warrant. At some point
16 during the day, I arrived just to see, but I wasn't
17 involved in the actual searching.

18 Q. Okay. Did you hear of anything at -- I'll condense
19 it -- at SCS and Gizmobile of, you know, non-cooperative
20 behavior?

21 A. No.

22 Q. Are you -- did you receive any reports of hostility
23 towards the agents executing the warrants?

24 A. No.

25 Q. Did they essentially say, hey, here's the keys to

1 the warehouse --

2 A. Yes.

3 Q. -- make yourself at home?

4 A. Correct.

5 Q. And they've stopped operating since then?

6 A. Correct. Because we're still conducting the search
7 warrant.

8 Q. And going back to the end, prior to the issuance of
9 the indictment, you told them that you were going to
10 indict them?

11 A. Correct.

12 Q. And they still didn't flee?

13 A. Correct.

14 Q. Let's go to the COVID chart or the COVID slide you
15 mentioned earlier. I'm going to bounce around a little
16 bit here and try to get through this quickly.

17 You're saying that what is -- actually, I'll
18 ask you because I've been a little bit baffled.

19 What was the purpose of raising the allegedly
20 falsified COVID test result in connection with this
21 detention hearing today?

22 A. Just the fact that they have the ability to forge
23 documents or are willing to forge documents and that
24 this is a condition -- the COVID-19 test to fly is a
25 condition, and that condition is not being -- according

1 to our cooperating defendant, it's not being adhered to.
2 It's not being followed.

3 Q. Do you know the source of that condition? What I
4 mean by that is: Is it a guideline or regulation or a
5 statute?

6 A. Well, the airline was asking for a COVID test. So
7 I would assume they would want a test result that's
8 actually been --

9 Q. And we saw a bit and piece of that. You would
10 agree that forging -- strike that.

11 You would agree that changing a name on one
12 piece of paper by PDF is significantly rudimentary
13 compared to forging a United States passport?

14 A. It's not nearly as extensive, no.

15 Q. And you're saying that by changing the name on a
16 negative test result, a skill my eighth grader learned,
17 is indicative of an ability to forge documents?

18 A. I'm saying it's the willingness to engage in
19 forgery. It's the willingness to take -- to take a test
20 result, falsify that, and you use it. It's the
21 willingness to do that.

22 Q. Willingness without ability is indicative of
23 nothing, though, correct?

24 A. That's correct.

25 Q. Okay. You have no evidence they have the ability

1 to forge a passport or any travel --

2 A. No. It's just the fact that there's other
3 individuals in this investigation that are skilled at
4 trading identity sets.

5 Q. And you presented and offered no evidence other
6 than vague speculation of any direct tie between
7 Maaz Aziz and any of those individuals?

8 A. Correct.

9 Q. Correct?

10 A. Just by the line of work, correct.

11 Q. Well, I've heard those are the traffickers -- the
12 people that work for the traffickers, low --

13 A. We also had suppliers and wholesalers that know
14 these individuals and deal with these individuals as
15 well.

16 Q. You would agree you presented no evidence that Maaz
17 knows any of them, correct?

18 A. I do not know at this time.

19 Q. You've presented no evidence of any communication
20 between Maaz and any of those people who are identity
21 theft or counterfeit identities?

22 A. Correct.

23 Q. And just to clarify, in the indictment, you would
24 agree there is no count for counterfeiting phones,
25 correct?

1 A. No.

2 Q. Would you also agree you didn't find any
3 counterfeiting document-making machines? Laminators?
4 You know, for passports?

5 A. For documents, no. Correct.

6 Q. So while somebody somewhere in this several hundred
7 person scheme that he's never talked to and has no
8 direct relationship -- the fact that they're here on an
9 allegation and we're over here, you're saying that leads
10 to him being a flight risk? Is that your position?

11 A. I'm saying it opens the door to a possibility where
12 other people who don't have that association -- they
13 weren't involved in that type of crime -- might not have
14 that ability to reach out and find someone that has the
15 ability to create a passport or create an identity set.

16 Q. And you would agree there is no evidence he has the
17 ability to do that?

18 A. To create the passport or to reach out and find?

19 Q. To reach out to find --

20 A. I mean --

21 Q. -- directly with eight phone calls or nine?

22 A. We have cooperating defendants who say he purchased
23 on the streets. He was dealing with the streets as far
24 as device traffickers. Those types of individuals do
25 come into contact with people that can manufacture

1 identities.

2 Q. My point --

3 A. So it's possible, yes.

4 Q. Possible, again, but no evidence it's ever
5 happened?

6 A. No evidence.

7 Q. No evidence he sought it since the search warrant?

8 A. No evidence.

9 Q. There is no evidence that he's been involved in any
10 robbery, correct?

11 A. No.

12 Q. And then you already mentioned that a cooperating
13 defendant mentioned Awais Chodhury?

14 A. Awais Chodhury, yes.

15 Q. Awais Chodhury said he took a gun. Mr. Gonzalez
16 characterized it as used a gun in making a sale.

17 You would agree that there's a difference in
18 using a gun in a sale and simply possessing a firearm?

19 A. If the gun was taken there as a means of security
20 to make sure that everything happened good with the
21 dealer if something went bad, I would say that the gun
22 was taken as part of the deal. It maybe wasn't used
23 like pointing or some sort of robbery, but it was there
24 as a tool to ensure security.

25 Q. And do you know if a gun was ever pulled or

1 otherwise brandished?

2 A. I do not.

3 Q. You have no reports of that, correct?

4 A. Correct.

5 Q. And the efforts to tie -- we talked about this
6 briefly, but just since you used that to tie this to gun
7 violence, you testified earlier there is no evidence of
8 any direct communication between Mr. Karimov and Maaz,
9 correct?

10 A. No.

11 Q. And, in fact, didn't the Richardson Police
12 Department open an investigation into his criminal
13 complaints?

14 A. Correct.

15 Q. So -- okay. So they believed it was not credible
16 either?

17 A. From both sides.

18 Q. Correct.

19 MR. CASTLE: I'm almost done, your Honor.

20 BY MR. CASTLE:

21 Q. You've offered no evidence that Mr. Aziz -- Maaz
22 has been involved in making -- anything dangerous to the
23 community, correct? Physical danger to the community?

24 A. Like, physical danger?

25 Q. Correct.

1 A. Correct.

2 Q. And he's not threatened physical danger to the
3 community?

4 A. Correct.

5 Q. No evidence of any violence, correct?

6 A. Correct.

7 Q. Okay. And your economic damages were based on your
8 belief to be continuing to operate this business you
9 contend is a criminal enterprise, correct?

10 A. Correct.

11 Q. Is there any evidence he's been involved in this
12 since the indictment?

13 A. No.

14 Q. Since the search warrant?

15 A. No.

16 Q. So the threat you're concerned about, again, is
17 prospective? If things go back and the charges get
18 worse and the evidence gets worse -- today you have no
19 evidence he's done anything, correct?

20 A. Today we have no evidence.

21 Q. Okay. And if his job has nothing to do with cell
22 phones that would cause you no concern either, correct?
23 Or devices?

24 A. I would think -- we would encourage a job that has
25 nothing to do with cell phones or cell phone devices.

1 Q. Yes. And then like we've talked about earlier,
2 what percentage of their business would you say were
3 phones and device -- electronic devices or consumer
4 electronics?

5 A. Just based off of the bank statements that we
6 have -- the limited bank statements -- when you see --
7 just a rough estimate, without going back to the slide,
8 \$37 million. I would say that would -- that would be
9 your devices just as a baseline because you're not going
10 to ship Bissell vacuums overseas to Dubai.

11 Q. And you also mentioned that you're aware they have
12 done business through carrier auctions, correct?

13 A. Yes.

14 Q. And carrier auctions are a legitimate business,
15 correct?

16 A. Carrier auctions can be, yes.

17 Q. And buying stuff from Amazon or from other carrier
18 auctions or places like a B-Stock is a legitimate way of
19 doing business, correct?

20 A. Correct.

21 Q. You're not saying everything they touched was
22 illegal?

23 A. I don't know the extent of what they touched
24 otherwise at this point in the investigation. But if
25 they were touching stuff from a B-Stock auction, we've

1 yet to see that at the warehouse. Everything that we've
2 come into contact with has come back to some sort of
3 offense, but that investigation is continuing as well.
4 It's not like we're finding something there that came
5 back to a B-Stock with the serial number or anything
6 like that.

7 Q. Okay. So anything that was legitimate, that would
8 be outside of the scope. And if he's no longer working,
9 which he hasn't in a month, would that reduce your
10 concerns about economic harm or the threat of economic
11 harm?

12 A. If he ceases -- I mean, clearly if he stops
13 engaging in any type of device trafficking and he begins
14 working at another job if released, that helps mitigate
15 those concerns, but that's also assuming that that --
16 that he doesn't reengage into device trafficking if need
17 be later on. That the network would still be there.
18 The ability would still be there.

19 Q. And right at the very end of your testimony with
20 Mr. Gonzalez earlier, you mentioned that you assumed --
21 your slide -- but Maaz and Saad have the ability to
22 reach out and sell directly internationally?

23 A. Correct.

24 Q. But you don't know that, do you?

25 A. Well, I mean, they are interacting with Dubai

1 entities now. Things -- companies like Action
2 Logistics, SCS Supply Canada. That can all be done
3 through FedEx. You don't need a warehouse to ship those
4 devices overseas. Other wholesalers do not have a
5 warehouse. So that could be done without a warehouse
6 collecting these devices on the street or from
7 individuals obtaining them through fraud, theft, or
8 robbery and then shipping overseas. Those contacts
9 could still be in place.

10 Q. So you're assuming they are? You don't know
11 they're in place still, correct? You don't know they're
12 in place, so you're assuming they're in place?

13 A. Correct.

14 Q. And you have no evidence that they've done any of
15 that, though, correct?

16 A. No evidence.

17 Q. Again, speculation, postulation based on worst case
18 scenario, correct?

19 A. Correct.

20 MR. CASTLE: Nothing further, your Honor.

21 THE COURT: Thank you.

22 Mr. McCarthy.

23 MR. MCCARTHY: Proceed, your Honor?

24 THE COURT: Pardon me?

25 MR. MCCARTHY: Proceed? Can I proceed?

1 THE COURT: Yes.

2 CROSS-EXAMINATION

3 BY MR. MCCARTHY:

4 Q. Is it Doering?

5 A. Doering.

6 Q. Doering. Okay.

7 Agent Doering, just a few questions. I'll
8 try to be as efficient as possible.

9 Honing in to kind of the first, say, 20 to
10 30 minutes of your testimony, I want to focus in and
11 narrow it to Saad Aziz. That's it. Not 90 other
12 people. Just him.

13 A. Correct.

14 Q. So when I'm asking you questions, that's who I'm
15 asking about.

16 You said you had experience with Title III.
17 But you have no T-III -- no Title III evidence
18 whatsoever against Saad Aziz?

19 A. No, sir.

20 Q. As far as the -- it looks like you had numerous
21 undercover buys, video, audio, and all that kind of
22 thing, right?

23 A. Correct.

24 Q. It's been about a two- -- two- to three-year
25 investigation?

- 1 A. No, sir. This began in December of 2020.
- 2 Q. I thought that was the first indictment.
- 3 A. December of 2020.
- 4 Q. But you started investigating before that?
- 5 A. No, sir. We started in December of 2020.
- 6 Q. Oh, okay. About a year?
- 7 A. It was a robbery crew. And we were able to
- 8 interdict and arrest the robbery crew in very short
- 9 order.
- 10 Q. Okay. But you've had several undercover
- 11 audio/video buys since then?
- 12 A. Correct. Those began in April of 2021.
- 13 Q. And my question is in all of the undercover buys --
- 14 undercover tapes, had Saad Aziz ever been present on
- 15 video even once?
- 16 A. No, sir.
- 17 Q. Has he ever been present on audio even once?
- 18 A. He's present -- not on the undercover buys, but
- 19 there are some cell phone -- in cell phone chat
- 20 messages -- messages going back and forth with his voice
- 21 on those, but I wouldn't -- if you're asking just about
- 22 undercover buys, no.
- 23 Q. Yes. Audio, video --
- 24 A. Got you --
- 25 Q. Criminal activity caught on film on audio or video?

- 1 Usually, it's both together.
- 2 A. Not concerning the controlled buys.
- 3 Q. Correct.
- 4 A. The --
- 5 Q. Just to be clear, when you showed that big chart
- 6 that says RG [sic] Telecom at the top and has all these
- 7 people going down --
- 8 A. Correct.
- 9 Q. -- they're not RG Telecom. They're SCS Supply,
- 10 correct?
- 11 A. Correct.
- 12 Q. So all that evidence -- that's RG Telecom -- I just
- 13 want to be clear. That's not their company, correct?
- 14 A. No. Their company is SCS Supply Chain.
- 15 Q. And there was about 100 people -- 103, 102 people
- 16 indicted before them; is that right?
- 17 A. Correct. 102.
- 18 Q. Okay. So they didn't make the top 100? It's fair
- 19 to say that?
- 20 A. I wouldn't say that. That's just the order that we
- 21 were able to obtain evidence throughout the
- 22 investigation.
- 23 Q. Okay. And talking about the evidence, there's no
- 24 evidence that Saad Aziz committed robbery?
- 25 A. No evidence.

1 Q. There's no evidence that Saad Aziz committed
2 identity theft?

3 A. Himself?

4 Q. Yes.

5 A. No.

6 Q. Remember, I'm asking about Saad Aziz. Not other
7 people.

8 A. Correct.

9 Q. And Mr. Castle already asked you this. They
10 brought the 10,000 people or the 10,000 identities -- do
11 you remember all that?

12 A. Correct.

13 Q. Did Saad Aziz steal, based on your evidence, one of
14 the 10,000 identities?

15 A. He didn't steal, but he helped facilitate that.

16 Q. Sir, is he directly connected to the identity theft
17 of a person himself?

18 A. Not that I have knowledge of.

19 Q. Okay. Is that a no?

20 A. No.

21 Q. He didn't go steal somebody's identity, did he?

22 A. No, not that I --

23 Q. He didn't walk into a store and basically get a
24 bunch of cell phones saying he's Joe --

25 A. No. I don't have any evidence of Maaz doing

1 that -- or -- I mean -- sorry -- Saad Aziz doing that.

2 Q. There's no evidence that Saad Aziz brandished a gun
3 at any point in this investigation?

4 A. No.

5 Q. No evidence that he went somewhere with somebody
6 that had a gun to do something, correct?

7 A. The only evidence I have of that is a cooperating
8 defendant's statement. Cooperating Defendant 4 who
9 advised at 1:00 in the morning he got a call to come to
10 the SCS warehouse to help unload a shipment that
11 Dawn Wireless had brought over. They were called
12 gaylords -- like, big canisters, essentially. And
13 Cooperating Defendant 4 said he believed he was there
14 because he often carries guns. He would have a gun on
15 him to help provide security during the transaction
16 since it was late at night.

17 Q. He believed that he would?

18 A. He gets the call. Not everything is spoken. Why
19 else would he be getting a call to arrive at SCS at
20 1:00 in the morning for a shipment where there could be
21 a large amount of money involved?

22 Q. Okay. Just for argument -- let's take assumptions
23 out of it.

24 Do you have any evidence of him with a gun?

25 A. Not him with a gun, no.

1 Q. No. Let's talk about the -- you said the -- you're
2 worried about the flight risk because the charges could
3 get greater; is that right?

4 A. Correct.

5 Q. Okay. Are you aware that you charged him, at least
6 by my count, with three 20-year counts and a 5-year
7 count?

8 A. Correct. Twenty years.

9 Q. And you've alleged \$100 million in the indictment?

10 A. Correct.

11 Q. And that indictment has been out there for about
12 ten months, right?

13 A. No. The indictment for the \$100 million has been
14 out there since August 24th.

15 Q. Okay. With the \$100 million loss and -- if you
16 stacked them, a 65-year exposure, I mean, it can't get
17 much worse, can it?

18 A. Correct.

19 Q. And he didn't leave, did he?

20 A. No.

21 Q. He didn't buy any tickets to Dubai or Pakistan or
22 anywhere else, did he?

23 A. No, he did not.

24 Q. Are you aware he hasn't been to Pakistan? He was
25 in Pakistan two years ago for a wedding and that's it.

1 A. That's all I'm aware of now.

2 Q. He hasn't been to Canada for two years?

3 A. Correct.

4 Q. With respect to Canada, Jawaad Farooq, you didn't
5 indict him, did you?

6 A. No.

7 Q. You indicted 114 people, and you didn't indict
8 Jawaad Farooq?

9 A. We're still investigating.

10 Q. Okay. But safe to say -- and you haven't called
11 Canada to say, hey, you got a big illegal operation
12 going on up there, do something?

13 A. Not at this point.

14 Q. Did any Canadian authorities whatsoever submit
15 information saying, hey, you got to look into this, do
16 something, look at all this stuff, look at the
17 PowerPoint presentation?

18 A. Not at this point.

19 Q. All right. So is it possible that Jawaad Farooq
20 could be operating a legal business in Canada?

21 A. I mean, it's possible.

22 Q. In fact, as we sit here right now, you don't have
23 any direct evidence of illegality in the Canadian
24 facility?

25 A. The only evidence I have is what I've already

1 stated.

2 Q. You said you think. I get that. I'm saying hard
3 evidence of illegality in the Canadian facility, you
4 don't have any as you sit here today understanding that
5 you're still investigating?

6 A. Correct.

7 Q. You have the \$390,000 from Wal-Mart. Do you
8 remember that part? Anker?

9 A. Anker.

10 Q. So Anker -- you haven't contacted Anker to ask them
11 if the sale was made to SCS Supply, correct?

12 A. We've been attempting to. We've had difficulty.
13 We finally -- we were finally able to make contact.

14 Q. So you can't say as you sit here to this judge
15 whether that was a legitimate purchase or not?

16 A. The only thing I can say is what Wal-Mart
17 investigations told us, which is that product is unique
18 to them through their online sales. SCS isn't
19 authorized to have that product, and that product never
20 touched Wal-Mart.

21 Q. But until Anker answers the question, you don't
22 know, correct?

23 A. Anker would confirm it, yes.

24 Q. And as far as this \$1.1 million in property, you
25 could go put a lis pendens on that today, could you not?

1 A. We're still working on it. Part of the problem is
2 the tracing. There's so many bank accounts. There's
3 still bank accounts out there. We're working on the
4 tracing. Our forensic accountants are still in the
5 process of working towards that.

6 Q. But you agree that a lis pendens -- I mean, they're
7 not tough to put on a property by the United States
8 Government? They do it all of the time?

9 A. My understanding is it requires a seizure warrant,
10 which is what we're still working through with the
11 tracing.

12 Q. And as far as the seizure warrant, you became aware
13 of SCS in April approximately 2021?

14 A. Correct.

15 Q. April, May, June, July, August 24th. No
16 injunction? No seizure warrant? No actions taken to
17 shut down the business?

18 A. Not at that time. The investigation is moving --
19 we start out with a small amount of evidence and that
20 continues to increase.

21 Q. Okay.

22 A. We reach out for bank subpoenas. Those don't come
23 back overnight. Those take time to come back. You get
24 bank subpoenas. You realize you have to get other bank
25 subpoenas. I mean, it's a process.

1 Q. Okay. But I guess the point being is this massive
2 danger to the community that you have -- you did not
3 take those measures with the injunction or some type of
4 seizure warrant at least for those month periods; is
5 that right?

6 A. No. We were still -- that would have prevented --
7 go ahead.

8 Q. And I'm not attacking. I'm saying the follow-up is
9 that company is now being operated by the FBI, correct?

10 A. I wouldn't say operated.

11 Q. Owned? Possessed?

12 A. We're possessing the warehouse at this time.

13 Q. No one else can come in?

14 A. Correct.

15 Q. Except for you?

16 A. Yes.

17 Q. And you have no evidence that Mr. -- I'm sorry.

18 Saad. I'll just say Mr. Saad.

19 Mr. Saad is operating SCS here, Canada, or
20 anywhere else, correct?

21 A. Just cooperating defendant statements.

22 Q. But no evidence that he's operating it now?

23 A. No. I'm sorry. No.

24 Q. Correct. And then as far as the -- I know you
25 talked about this a little bit. I don't know if I can

1 ask this elegantly.

2 When Mr. Castle kept asking you there is no
3 evidence of this with respect to Mr. Maaz, would any of
4 your -- without me having to ask every single question
5 that he did, would any of your answers change with
6 respect to Mr. Saad?

7 A. Just Saad where he told the cooperating defendant
8 that he had properties in Pakistan and they were doing
9 good. So that would change in respect to him because
10 Maaz didn't have that.

11 Q. I mean, do you have any indication -- I mean, a
12 cooperating defendant text, e-mail, anything whatsoever
13 suggesting that he's going to go back to some property
14 in Pakistan?

15 A. No, sir, not at this time.

16 Q. You've already talked to Customs. Any indication
17 that he's trying to buy tickets? Bought tickets?
18 Anything like that trying to flee? Trying to go?

19 A. Not at this point.

20 Q. I also noticed the search warrants at the three
21 locations -- I apologize. This is not a criticism, but
22 it just struck me as odd so that's why I'm asking.

23 They're state search warrants. You have a
24 federal case. Why weren't you using a federal search
25 warrant to investigate your case? Why do you use a

1 state search warrant?

2 A. At the time, we made the decision to go with state
3 process.

4 Q. Do you know why?

5 A. Why?

6 Q. Why? You're the lead agent. That's unusual. Why
7 did you do that?

8 A. I've worked with Mr. Gonzalez for a long time. We
9 routinely use state process. He has no problem
10 defending state process. We have task force officers
11 that assisted with this, state officers, and so we went
12 forward with using state paper on these locations.

13 Q. Okay. I mean, was there any other basis? I mean,
14 is there an evidentiary basis? Is it easier to get a
15 state search warrant than a federal and that's why it
16 was done?

17 A. We wrote the warrant to the exact same probable
18 cause standard and the exact same manner that we wrote
19 the federal warrants.

20 Q. Okay. And was there -- I think he asked this. But
21 there wasn't any evidence of a crime in Mr. Saad's
22 house, correct?

23 A. Not that a crime was occurring, no.

24 Q. Just like you said no for Mr. Maaz?

25 A. Correct. The only thing that might be, depending

1 on what was in those boxes that were delivered to SCS,
2 which we've routinely -- we've seen on other occasions
3 stolen property or property represented to be stolen
4 going to SCS.

5 Q. Okay. But you would agree with me that you can't
6 see inside the box, right?

7 A. No. No.

8 Q. So anything could be inside the box?

9 A. Correct.

10 Q. It could be his kids' toys for all you know?

11 A. It could. It could also be other property. So --

12 Q. It could be crack? I mean, you just don't know,
13 right?

14 A. Right.

15 Q. Okay. But the boxes were the basis for getting
16 into the house that you know of?

17 A. That was one part of the basis.

18 Q. What were the other parts?

19 A. Just the overall evidence that had been accumulated
20 to that point showing their involvement or their
21 company's involvement with device trafficking.

22 Q. No. No. I mean into his home specifically.

23 A. The boxes helped provide the probable cause. And
24 then looking for instrumentalities; cell phones,
25 computers, laptops. These things are often on people's

1 persons. In fact, cell phones are such an intricate
2 part of the person, it requires a search warrant at this
3 point. So we know through this investigation that cell
4 phones are common -- routinely being used for
5 correspondence with device traffickers, with
6 wholesalers. If -- so to obtain those cell phones could
7 provide evidence -- evidence in nature.

8 Q. Okay. Last question on this point. You're not --
9 you're not saying that if I have a cell phone and you
10 think I'm a criminal walking into my house, you can now
11 search my home, right?

12 A. No. There's other evidence -- yes. I mean,
13 there's other evidence that goes into that search
14 warrant, but that's one thing that can be searched for.

15 Q. The inventory -- there's about 2 million items
16 inside this 40,000 square foot warehouse?

17 A. Correct.

18 Q. How many have you been through? How many has the
19 FBI been through? What percentage approximately?

20 A. I don't know what that percentage is. So they've
21 been working on a daily basis for the most part, and
22 they are inventorying that as we go. But you're right.
23 I mean, there's a large amount of property that's taking
24 time to get in there.

25 Q. I mean -- and, again, I'm not -- like, ballpark

1 20 percent, or are we talking you've gone through, like,
2 90 percent?

3 A. Not 90 percent. I would say somewhere in -- just
4 ballpark 40 -- 40 percent maybe.

5 Q. So 60 percent has yet to be gone through?

6 A. We're still working on it, yes.

7 Q. Okay. And would you agree with me that -- now, I
8 am asking you to speculate.

9 There could be in all of this a large
10 percentage of items that don't come back with any
11 problems whatsoever, correct?

12 A. Those items that we haven't got to yet? I mean,
13 that could be. I mean, that's not what we've seen so
14 far, but that could be.

15 Q. You would agree with me eBay, Amazon -- I mean,
16 they've all got stolen products in their warehouse
17 unbeknownst to them, correct?

18 A. Correct.

19 Q. And as far as -- I mean, when you get down -- I'll
20 get to the question.

21 Where is the proof that Mr. -- I'll say
22 Saad -- knowingly sold stolen goods?

23 A. It would be the same thing. It would be chat
24 messages with cooperating defendants negotiating for
25 prices that are much less than the retail price, the

1 quantity of product all at one time. So you have a
2 large quantity of product. You have a very reduced
3 price from retail. The fact that the cooperating
4 defendant doesn't have access to this anywhere else.
5 The fact that the cooperating defendant is saying these
6 were stolen. They were new. They were in the box. The
7 fact that some of these shipping labels don't have a --
8 I'm shipping this to Dawn Wireless. I'm shipping this
9 to a company. It has a Google to a different address,
10 which isn't related to any of the parties involved.

11 So you have these shipping labels that also
12 indicate if the product was stolen or not. Shipping
13 labels peeled off of boxes that you normally don't do
14 and put into a shred bin. That's not normal to take --
15 peel those off. That takes a lot of time. They would
16 peel off just the very top label. Those labels do not
17 indicate they were shipped to a certain property from a
18 B-Stock auction or anything like that.

19 Q. Is it fair to say -- I understand you're saying one
20 thing after another after another, but it's indirect
21 evidence.

22 Do you have direct evidence on Mr. Saad on
23 the stolen items?

24 A. I would say -- related to stolen goods like that or
25 to cell phones and --

1 Q. "Send me the ten stolen cell phones." You don't
2 have anything like that?

3 A. No. Typically, they don't -- typically, that type
4 of communication doesn't take place. Typically, it's,
5 hey, this is good for local or, hey, this is good for
6 overseas. And that would indicate, hey, it's good for
7 local, and it means it's either stolen through transit
8 theft. And oftentimes it's -- those devices don't
9 become blacklisted because they never hit a network, or
10 it's a used stock. So, hey, that's good for local. You
11 can sell that here.

12 If they say, "Is it good for local?" "No,"
13 that means it needs to go overseas, meaning it was
14 obtained through financing or some other means and it's
15 going to get blacklisted and that seller knows it
16 because the seller doesn't want it to go to Saad, Saad
17 sell it locally, and then that device becomes
18 blacklisted because now you have a problem either with
19 the police or with that end user.

20 Q. But, again, you're having to make some assumptions
21 there. I understand what you're saying.

22 There has to be some assumptions on your part
23 with respect to this stuff?

24 A. Well -- I mean, when you talk about that, you talk
25 about other cooperating defendants. You talk -- hey,

1 everybody knows the game, but nobody wants to talk about
2 it. They might use the word "gray," but they
3 communicate that this device needs to be moved outside
4 of local based off if it needs to go overseas or if it
5 needs to stay local. If it's locked or unlocked. This
6 is carrier AT&T locked. There is no way you're going to
7 come into contact with a carrier locked phone at a
8 reduced retail price in the normal -- in the normal
9 course of business.

10 If you're going into AT&T, you're going to
11 get that AT&T locked phone on financing and pay that off
12 over two years. If you have a brand new phone in the
13 box -- that's what we're talking about here. Brand new
14 sealed in the box or maybe it's open, but all of the
15 handsets are there and it hasn't been activated yet.
16 That phone is AT&T locked. That's the only way --
17 financing is the only way to take that phone. So, hey,
18 we need to unlock those phones, or if you have some
19 e-mails talking about a device being unlocked or locked,
20 those are other ways that we can infer knowledge where
21 it's not being said outright.

22 Q. Infer?

23 A. Correct. Constructive knowledge.

24 Q. Anything else as far as links other than the things
25 you've named for Mr. Saad?

- 1 A. That's it from the presentation.
- 2 Q. It was a long answer, but --
- 3 A. Well, it's -- it's not -- it's a complicated --
- 4 Q. Right.
- 5 A. Yeah.
- 6 Q. And let's talk a little bit about flight, okay?
- 7 You did use the word "he could be a flight."
- 8 Mr. Castle asked you -- I mean, anybody on release could
- 9 be a flight, correct?
- 10 A. Correct.
- 11 Q. But let's break that down. You run the search
- 12 warrant August 24th, 2021, right?
- 13 A. Correct.
- 14 Q. They don't resist you. They cooperate. Your own
- 15 agents say these guys are cooperative, right?
- 16 A. I don't know if that's what they said, but I've
- 17 heard they were cooperative, yes.
- 18 Q. Okay. When you ran the search warrant at their
- 19 home, correct?
- 20 A. Correct.
- 21 Q. You run the search warrant at the office, they
- 22 literally give the codes -- the safe codes and the keys
- 23 so the agents can get in, right?
- 24 A. Correct. And in part so we don't have to destroy
- 25 property. I mean, that was the -- that was part of the

1 rationale analysis, but, yes, they still did.

2 Q. Then -- I mean, again, after that they made no
3 efforts to flee? No efforts to buy tickets anywhere out
4 of the country, correct?

5 A. Not to my knowledge.

6 Q. And then literally a week later they have a
7 voluntary meeting with you, Mr. Gonzalez with them about
8 the case and their lawyer?

9 A. Correct.

10 Q. You tell them you're going to indict them, and you
11 even say it's going to be on all of the counts. The
12 924(c) -- the whole gamut, right?

13 A. I don't know. I don't recall the 924(c.)

14 Q. You said all of the counts. Do you remember that?

15 A. At the meeting?

16 Q. Yes.

17 A. That I said that?

18 Q. Yes.

19 A. I don't -- if I did, then I misspoke, but I don't
20 recall that.

21 Q. My point being is you told them you were going to
22 basically hit them --

23 A. I told them they were going to be indicted,
24 correct?

25 Q. So they have notice --

1 A. They're on notice.

2 Q. It's getting dropped on them. And they don't --
3 again, they don't flee? They don't do anything like
4 that; is that right?

5 A. Correct.

6 Q. No tickets bought. And, sure enough, about a
7 week -- September 9th -- a week, week and a half later,
8 y'all indict them.

9 Now, you were nice enough to call the lawyers
10 and say, hey, basically we're going to unseal this thing
11 tomorrow, right?

12 A. Correct.

13 Q. Even that night when they're told, "you're
14 indicted, this is done," they didn't go anywhere?
15 Didn't run? Didn't flee? Didn't try to buy plane
16 tickets?

17 A. Correct.

18 Q. Now, in front of you, you've got a notebook. It's
19 a black notebook. It's in front of you. It's also in
20 front of the judge. If you could flip to Exhibit A.

21 A. Okay. I'm there.

22 Q. What is Exhibit A?

23 A. Are you talking about under Tab 1?

24 Q. Yes.

25 THE COURT: Before we proceed, has the

1 government also been provided a copy of these materials?

2 MR. MCCARTHY: Yes. Everything has been sent
3 to him with the motions, your Honor. Actually, we have
4 another one here if he wants it.

5 BY MR. MCCARTHY:

6 Q. I'm sorry. I'm sorry. Tab 3A, Exhibit A.

7 A. I'm there.

8 Q. Okay. And isn't it true that's the letter -- the
9 surrender letter? It's even underlined. It says he has
10 the intention to peacefully surrender, and we were
11 offering to bring you the passports and bring you him
12 wherever you want him; is that right?

13 A. I see it, yes.

14 Q. Okay. Would you say he made efforts to turn
15 himself in or efforts to flee?

16 A. He made efforts to turn himself in.

17 Q. Now, flip to E --

18 MR. MCCARTHY: I'm sorry. Judge, I'm going
19 to offer that for the record at this time.

20 THE COURT: If you want to go ahead and offer
21 each of the exhibits that were to the motion you've
22 withdrawn, so they'll all be part of the record for
23 today's hearing.

24 MR. MCCARTHY: Yes, your Honor.

25 THE COURT: Okay.

1 MR. MCCARTHY: A, B, C, D, and E.

2 THE COURT: Is there any objection to that?

3 MR. GONZALEZ: No, your Honor.

4 THE COURT: All right. So then what we'll do
5 is we'll take each of the exhibits that were to the
6 motion and we will deem them as admitted for purposes of
7 today's hearing and we'll include them in our exhibit
8 set.

9 MR. MCCARTHY: Yes, your Honor.

10 BY MR. MCCARTHY:

11 Q. Now, flipping to E. Agent, if you could take a
12 look at that. What is that?

13 A. It looks like an e-mail copy from Mr. Saad Aziz to
14 Judge Johnson.

15 Q. And Judge Nowak, right?

16 A. Yes.

17 Q. It's cc'ing the U.S. Attorney's Office, the U.S.
18 Probation Office/Pretrial Services, right?

19 A. Yes.

20 Q. And would you say this guy is desperately trying to
21 turn himself in?

22 A. At this point.

23 Q. Not fleeing? Trying to turn himself in?

24 A. Correct.

25 Q. Now, are you aware that on the exact same day, he

1 went up to Euless Police Department and met with Officer
2 Norwood and tried to turn himself in to the police?

3 A. I am now.

4 Q. Okay. Would that be an indication of flight to
5 you?

6 A. Not at this point, no.

7 Q. Let's go to Exhibit B. Let's talk about family
8 ties. Exhibit B. Do you see those pictures?

9 A. Yes, sir.

10 Q. I know you weren't at the search warrant. But
11 you're aware -- I mean, he has two little kids --
12 essentially, a newborn -- a ten-month-old, a
13 three-year-old, and his wife here. Are you aware of
14 that?

15 A. I see that here.

16 Q. Would you agree with me that he definitely has the
17 familial ties in the United States?

18 A. Through his immediate family, yes.

19 Q. In fact, his mom is sick and lives inside his home
20 that he takes care of. Are you aware of that?

21 A. I am now.

22 Q. His brother lives next door?

23 A. I did know that.

24 Q. His extended family, sister, cousins live here?

25 A. Correct.

1 Q. He has been here for over ten years?

2 A. Correct.

3 Q. It's not easy to go through the U.S. citizenship
4 process, is it?

5 A. No.

6 Q. It's tough.

7 And he's been a U.S. citizen for several
8 years now, has he not?

9 A. He has been.

10 Q. In fact, Exhibit C, do you see that? What's that?

11 A. It looks like a bank account.

12 Q. It's a mortgage. His house --

13 A. I'm sorry. Yes.

14 Q. That's his home, right? Same address for your
15 random warrant?

16 A. Correct.

17 Q. So would you agree with me that he has property
18 here and his home is here and his family is here?

19 A. Yes.

20 Q. And if I took you to Exhibit D -- and this goes to
21 ties to the community. Do you see those? And we have
22 about six different letters from different people in the
23 community and his mom, people that have worked for him,
24 family members, and all of that attesting to who he is,
25 the type of person he is. Do you see that?

1 A. I do.

2 Q. Okay. Would you agree with me that it would appear
3 at least that he does have fairly deep community ties
4 here and -- specifically in Texas?

5 A. From the e-mails, it seems like he knows people
6 here, yes.

7 Q. And we've offered to give you -- we even have them
8 over here. We've offered to give you his whole pack
9 of -- his standing passport, his real passport. That's
10 the U.S., rather. And what's that thing called? The ID
11 card. We've offered to give all those to you, correct?

12 A. Yes.

13 Q. So you agree with me he's had an opportunity to
14 flee and he hasn't done it?

15 A. Yes.

16 Q. He's made serious attempts to turn himself in to
17 everybody?

18 A. Yes.

19 Q. This Court included?

20 A. Yes.

21 Q. He has family and community ties that are deep
22 here?

23 A. Correct.

24 Q. His home is here?

25 A. Correct.

1 Q. His sick mother is here?

2 A. Yes.

3 Q. His little kids are here?

4 A. Yes.

5 Q. And just for the record, I'm talking about the
6 danger aspect. Mr. Aziz is not one of these armed
7 robbers, right?

8 A. He is not.

9 Q. He's not charged with a 924(c) or any crime of
10 violence?

11 A. He is not.

12 Q. He doesn't have a criminal record?

13 A. No, sir.

14 Q. You said -- I mean, you were actually familiar with
15 the term. It's not a presumption case; is that right?

16 A. Yes.

17 Q. Are you familiar that he has a job offer?

18 A. I am as of today.

19 Q. From Jekyll and Hyde. There's even a confirmation
20 letter of that; is that right?

21 MR. MCCARTHY: Judge, I apologize. I only
22 have one copy. If I could mark it and offer it as --

23 THE COURT: Please do. You'll give it to
24 Ms. Lee. She has to mark it for you.

25

1 BY MR. MCCARTHY:

2 Q. They're offering 14 bucks an hour and 40 hours a
3 week; is that right? I'm asking you about something you
4 haven't seen, aren't I? Sorry about that.

5 A. They're both working at the same company? Same
6 offer as the other? No?

7 Q. It's different. There are two different companies.

8 A. Okay. I've read it.

9 Q. Sir, I sent you and Mr. Gonzalez an e-mail on
10 September 24th -- that is Friday at 5:26 p.m. --

11 Let me ask you this first: Have you
12 testified before a grand jury?

13 A. I have.

14 Q. Have you testified previously in court?

15 A. Yes.

16 Q. So you have previous statements that you have made
17 under oath?

18 A. Yes.

19 Q. Do you have 302s that you've drafted?

20 A. Yes.

21 Q. Okay. I asked under Federal Rule 26.2(g)(4) and
22 46(j) for those to be produced today. Do you have them?

23 A. I do not.

24 MR. MCCARTHY: Judge, at this -- Judge, at
25 this time, we would ask for the previous statements by

1 this witness.

2 MR. GONZALEZ: Your Honor, that was requested
3 of me at 5:30 or 5:26 on Friday afternoon. There --
4 there's 4 terabytes of information. If defense counsel
5 wants to review that information, he's welcome to come
6 to our office and review it there. If he wants that to
7 be produced, it can be produced, but it's not going to
8 be produced today. When you asked for it -- and it
9 wasn't even asked for formally. It was asked for
10 informally in an e-mail.

11 The witness has testified at grand jury. He
12 didn't testify about these particular defendants at
13 grand jury. He testified on previous indictments. Not
14 the particular indictment that these individuals are
15 included in, but same -- same thing there. That
16 testimony hasn't been ordered yet. There is no record
17 of that. It can be ordered. If he wants to continue
18 this hearing until those records can be provided, I'd be
19 happy to do that.

20 MR. MCCARTHY: Judge, we just want to go on
21 record as asking for those. If they want to produce
22 them to us later, that's certainly fine. I just -- I
23 had asked them for it, so I didn't know if they had them
24 here today.

25 THE COURT: Well, let's go ahead and nail

1 that down a little bit further, okay? If you're asking
2 for them, how would you like to receive them? Do you
3 want to give Mr. Gonzalez a flash drive? Do you want to
4 go to his office? How on an going forward basis do you
5 want to handle this issue, so I don't have a later
6 hearing as it relates to discovery issues?

7 MR. GONZALEZ: It's 4 terabytes, your Honor.
8 It's not a flash drive. It's 4 terabytes of --

9 THE COURT: A drive. I apologize. You know
10 what I'm talking about.

11 MR. MCCARTHY: If he's -- if he's making the
12 representation that there's an unload happening
13 currently -- if he's representing his previous
14 statements are in there, then we'd be satisfied if he's
15 making that representation.

16 MR. GONZALEZ: All 302s written by this agent
17 would be contained within that discovery.

18 MR. MCCARTHY: It's all statements.

19 THE WITNESS: There will be other phases as
20 well, though, right? Like, it's continuing. There will
21 be more 302s added to the case file as we go.

22 MR. MCCARTHY: Okay. That's sufficient, your
23 Honor.

24 THE COURT: All right.

25 MR. MCCARTHY: I'll pass the witness.

1 THE COURT: Anything further of this witness,
2 Mr. Gonzalez?

3 MR. GONZALEZ: Just some follow-up questions.

4 REDIRECT EXAMINATION

5 BY MR. GONZALEZ:

6 Q. Agent, you testified that you reviewed the pretrial
7 sentence report?

8 A. Yes.

9 Q. Anywhere in here do they talk about the properties
10 in Frisco?

11 A. Not that I could see.

12 Q. Did they talk about -- that they had two properties
13 worth a million dollars in Frisco?

14 A. No. I didn't see that.

15 Q. And that they were attempting to sell those
16 properties?

17 A. No.

18 Q. Would that give you some pause or concern that
19 they're hiding property?

20 A. From the pretrial?

21 Q. Yes.

22 A. Yes.

23 Q. And pretrial is part of the courts?

24 A. Correct.

25 Q. And they have to be honest and candid when they're

1 providing information to the Court, correct?

2 A. Correct.

3 Q. So the Court could make an honest determination of
4 whether they pose any risk of flight. And if somebody
5 is concealing assets, would you consider that a risk of
6 flight?

7 A. Yes.

8 Q. Is there anywhere in here that they mention S --
9 SCS in Canada?

10 A. No.

11 Q. Is it important to you -- you've talked about SCS
12 in Canada and information from other co-conspirators
13 indicating that they're involved in that particular
14 company in Canada?

15 A. Correct.

16 Q. And information from co-conspirators or
17 co-defendants, that is evidence, correct?

18 A. Correct.

19 Q. That is evidence that can be used in a jury trial?

20 A. Yes.

21 Q. That's evidence that a jury trial can choose to
22 accept or not accept?

23 A. Correct.

24 Q. And when you interview some of these individuals
25 that are co-defendants, do you try to corroborate their

1 information as best as possible?

2 A. We do.

3 Q. And what steps did you take to try to corroborate
4 that information?

5 A. We take that information and we find other
6 co-defendants that provide the same or similar
7 information that would corroborate it. We look at
8 records that corroborate -- cooperating defendants' cell
9 phone chat messages, photos, and other type of
10 independent evidence that show that that defendant is
11 being honest.

12 Q. So did you have multiple individuals talking about
13 SCS in Canada and the defendants' involvement with SCS
14 in Canada?

15 A. Correct.

16 Q. And did you find corroborating information when you
17 found those shipping documents or shipping records?

18 A. Correct.

19 Q. Is that corroboration?

20 A. That's corroboration.

21 Q. Now -- and then the fact that they indicated that
22 it was being run by a relative of the defendants,
23 multiple individuals told you that, correct?

24 A. Yes.

25 Q. And then you find that SCS, in fact, is being run

1 by a relative of the defendant?

2 A. Yes.

3 Q. That's corroboration?

4 A. It is.

5 Q. So is that part of what you take into consideration
6 when you look at the totality of making your
7 determination of whether someone is going to be a flight
8 risk?

9 A. Correct.

10 Q. All right. So when defense counsel is asking you
11 about a white collar -- white collar defendant and a
12 non-white collar defendant and you trying to make a
13 determination of serious risk of flight, do you look at
14 the totality of your investigation to make that
15 determination?

16 A. The totality.

17 Q. Okay. So do you look at the fact that these
18 individuals were involved with huge amounts of money?
19 Millions and millions dollars of money?

20 A. Correct.

21 Q. Do you look at that?

22 A. Yes.

23 Q. Do you look at the fact that -- at the warehouse
24 that you've now examined that -- you said you've
25 examined 40 percent of what was found in there.

1 Of that 40 percent, what have you been --
2 what have you found that was obtained legally?

3 A. We haven't -- we've yet to find any property that's
4 been obtained legally.

5 Q. So when defense counsel asked you of that
6 60 percent that's remaining, you know, is it possible
7 that some of that is legal, it's possible, but based on
8 the 40 percent that you've already examined, not very
9 probable, correct?

10 A. Correct.

11 Q. Now, you also looked at the fact that multiple
12 corroborating defendants are telling you the same
13 information about these individuals. That they were
14 directly involved, that they were directly communicating
15 with them, and that they were directly receiving
16 payments from them. Is that corroborated by multiple
17 individuals?

18 A. Correct.

19 Q. Is that corroborated by the bank statements? The
20 money transfers?

21 A. Yes.

22 Q. So is that what you take into consideration in the
23 totality of what you make -- to make your determination
24 of risk of flight or serious risk of flight?

25 A. Yes.

1 Q. Now, in regards to when these individuals were
2 turned in -- now, defense counsel keeps saying that it
3 was a month and they didn't turn themselves in for -- or
4 they were willing to turn themselves in for a month.

5 When did we get the warrants for these
6 defendants?

7 A. September 16th.

8 Q. So it was a week prior to that?

9 A. Yes.

10 Q. So it was the very following week. We received the
11 warrants on Thursday night and had them in hand Friday
12 morning?

13 A. Correct.

14 Q. And then we asked them to turn themselves in trying
15 to work with the Court's docket the following Thursday?

16 A. Correct. We had another individual
17 self-surrendering on Monday and Tuesday. The FBI had an
18 overall operation on Wednesday, and then Thursday was
19 the self-surrender day.

20 Q. So it was trying to basically make it as -- so it
21 was beneficial for everyone?

22 A. Correct.

23 Q. Now, in regards to, well, they haven't run during
24 this time period, they didn't run during this other time
25 period, but had they seen this evidence before?

1 A. No.

2 Q. Had they seen the fact that you now have multiple
3 cooperators?

4 A. No.

5 Q. Had they seen that some of these cooperators are
6 individuals that actually are very close to them or may
7 even work for them?

8 A. Correct. They hadn't seen that at that point.

9 Q. So in your mind and taking into consideration
10 whether somebody is a serious risk of flight, does it
11 make a difference now that they've seen the evidence?

12 A. I think so.

13 Q. Does it make a difference now that they're actually
14 charged?

15 A. Yes.

16 Q. When we met with them and told them that they were
17 going to be charged, did we tell them exactly when they
18 would be charged?

19 A. No.

20 Q. And you -- that it could or maybe it wouldn't
21 happen?

22 A. Maybe it wouldn't happen, correct.

23 Q. Now, defense counsel asked you about -- they didn't
24 do identity theft. They didn't do the armed robberies.
25 They didn't do the fraud. And you said they didn't.

1 But isn't this -- aren't these conspiracy
2 charges?

3 A. They are.

4 Q. And can't you hold individuals in a conspiracy
5 accountable for the activities of some of the other
6 co-conspirators?

7 A. Yes.

8 Q. And when you talk about or when they talk about
9 them not having direct impact on other individuals, is
10 there an economic damage here from their activities?

11 A. Yes.

12 Q. And what do you mean and what do you -- what do you
13 call economic damage?

14 A. I would call economic damage as people's identities
15 being stolen, having to get their identities back, have
16 to re-establish their identities, cancel credit cards.
17 Anything else that goes along the lines of having your
18 identity stolen. It also goes to these companies,
19 whether it's shipping companies, the carriers, who have
20 actually lost product. They've lost devices, goods.
21 Anything that relates to product that they no longer
22 have in their possession, it's now a financial loss.

23 Q. And there's plenty of that here in this case,
24 correct?

25 A. Correct.

1 Q. There are victims in this case of identity theft?

2 A. Yes.

3 Q. And there are victims of armed robberies in this
4 case?

5 A. Yes.

6 Q. The defendants may not have been involved in that
7 aspect of it, but there is that aspect in this
8 investigation in this conspiracy?

9 A. I would say they were involved in the facilitation
10 of it.

11 Q. And when it comes back to that COVID document, it's
12 the willingness of them to forge a document to get what
13 they want that you're bringing to the Court, right?

14 A. Correct. The fact that they're not going to adhere
15 to the same conditions as everybody else when they're
16 looking for bond conditions.

17 Q. And potentially the counterfeiting of devices at
18 their warehouse -- the -- as you testified, the iPhones?

19 A. Correct.

20 Q. They don't shy away from counterfeiting those
21 particular items either?

22 A. No.

23 MR. GONZALEZ: That's it. I'll pass the
24 witness.

25 THE COURT: The Court has a few questions

1 unless any of you have any follow-up.

2 MR. CASTLE: Your Honor, I have three
3 questions.

4 THE COURT: Never make a promise regarding
5 the number of questions. I've never seen a lawyer
6 actually stick to that representation.

7 MR. CASTLE: My plan, your Honor.

8 RECROSS-EXAMINATION

9 BY MR. CASTLE:

10 Q. During the meeting when you told them they were
11 going to be indicted, you told them there were
12 cooperators, people close to them, and the noose was
13 coming for their neck, right?

14 A. I don't think I used those words.

15 Q. Pardon me. You told them --

16 A. I told them the charges were coming.

17 Q. The charges were coming.

18 You told them you had cooperators, didn't
19 you? You told them you had cooperating defendants?

20 A. I can't specifically recall what I said at the
21 time.

22 Q. If I represented to you, you told them you had
23 cooperators who were close to them who could point the
24 finger at them, would you have any reason to disagree
25 with that?

1 A. I wouldn't have any disagreement.

2 Q. So the idea that they're hearing this for the first
3 time is wrong. They've already heard this, correct?

4 A. If that's the representation, yes.

5 Q. With SCS Canada, again, you're talking about on the
6 financial statement not representing SCS Canada
7 ownership.

8 You have no evidence of who owns that, do
9 you?

10 A. Not actually who owns it at this point, no.

11 Q. Are you required to put together every business
12 relationship you have on your pretrial interview report?
13 Do you have to list every business relationship I have
14 on the pre --

15 A. Do you have to?

16 Q. Yes.

17 A. I would think you would want to list a business
18 relationship that's outside of the country to alert the
19 Court.

20 Q. So if I am a salesman and I have 1,050 clients, I
21 need to list all 1,050 clients I do business with?

22 A. I wouldn't say that that's the same thing here.

23 Q. All business relationships, you said you would
24 think you'd want to. I'm asking --

25 A. He listed other businesses he was a part of, but he

1 didn't mention the SCS Canada business, which was an
2 international business.

3 Q. Correct. But at the same time, SCS Canada, if he
4 doesn't own it -- I mean, another business he has equity
5 in or directly employed by? Direct relationship with,
6 perhaps?

7 A. Possibly.

8 Q. As for the lots you mentioned in Frisco, were you
9 present for the conversation with pretrial services?

10 A. No.

11 Q. Do you know if it was disclosed to them?

12 A. No.

13 Q. Do you know what the status of those lots are?

14 A. I do not.

15 Q. Do you know whether or not that was disclosed to
16 the pretrial services?

17 A. I do not.

18 MR. CASTLE: Nothing further, your Honor.

19 THE COURT: Mr. McCarthy.

20 RECROSS-EXAMINATION

21 BY MR. MCCARTHY:

22 Q. Agent Doering, this is more for clarity for the
23 record. I understand your testimony on this. I just
24 want to make clear.

25 There's no fake COVID thing for Mr. Saad

1 Aziz? That doesn't exist?

2 A. No. Not for Saad, no.

3 Q. And then as far as the cooperating defendants -- I
4 mean, these are people who have been indicted?

5 A. Yes.

6 Q. I wasn't going to bring this up, but since he
7 asked -- Mr. Gonzalez asked.

8 These are also people who essentially y'all
9 moved for detention, kept them in jail, and the only way
10 they could get out was if they sat down and talked to
11 you and told you what you say is cooperation or telling
12 the truth?

13 A. These particular cooperators, yes.

14 Q. Okay. And sitting in jail and wanting to please,
15 let's say, the FBI or the U.S. Attorney's Office with
16 the promise of getting out of jail -- I mean, you would
17 agree with me there's a slight degree of coercion when
18 it comes to these people's testimony?

19 A. That's why we take their information and we
20 corroborate it. There's also been other cooperators in
21 this case that have debriefed and have not been let out.
22 It's not like it's an automatic thing where you sit down
23 and talk and all of a sudden you're released.

24 Q. But they were incarcerated and then a lot of them
25 got out after cooperating, correct?

1 A. Some did, yes.

2 MR. MCCARTHY: Pass the witness.

3 THE COURT: Anything further, Mr. Gonzalez?

4 MR. GONZALEZ: No, your Honor.

5 THE COURT: Agent Doering, the Court has a
6 number of questions for you.

7 First off, I do want to confirm. Is it your
8 testimony to this Court today that you believe each of
9 these individuals are a serious risk of flight?

10 THE WITNESS: Yes.

11 THE COURT: Okay. So the items that I've
12 heard you mention today that support or buttress that
13 testimony are international travel to Canada, Columbia,
14 El Salvador, Qatar, United Arab Emirates, and Mexico.

15 Are you aware of any other international
16 travel?

17 THE WITNESS: No. Just what was listed.

18 THE COURT: Are you aware of any recent
19 international travel?

20 THE WITNESS: Just what was listed.

21 THE COURT: Okay. Do you know or are you
22 aware of the circumstances that these gentlemen traveled
23 to these locations?

24 THE WITNESS: Just in the pretrial report as
25 to whether it was pleasure or business.

1 THE COURT: Are you aware of any plans by any
2 of these gentlemen to travel again internationally?

3 THE WITNESS: No.

4 THE COURT: Counsel has made much ado here
5 today --

6 THE WITNESS: Yes.

7 THE COURT: -- about the fact that these
8 gentlemen have attempted and tried on numerous occasions
9 to surrender themselves.

10 Were you involved in the discussions about
11 their attempts to surrender themselves?

12 THE WITNESS: Leading up to the
13 self-surrender, yes.

14 THE COURT: Okay. In your opinion from your
15 past experience and your investigation, do individuals
16 that are this interested in surrendering, are they
17 likely to flee?

18 THE WITNESS: Well, again, that's before
19 they've seen all of the evidence, too. So if they do
20 have significant ties here and they haven't seen the
21 evidence, then they might want to get in to potentially
22 help their -- or help their chances for some sort of
23 bond while they determine what the weight of the
24 evidence is.

25 THE COURT: Okay. And so the question that I

1 asked, though, as to whether or not in your experience
2 do individuals who attempt or try to surrender, are they
3 generally a risk of flight? What's been your past
4 experience in the totality of your career?

5 THE WITNESS: Most of my experience is --
6 well, this is kind of the first one where I've had
7 someone make this much effort that I can recall right
8 now. But when people are looking to turn themselves in,
9 oftentimes they stay in custody with us, but even when
10 they don't, they haven't fled, no.

11 THE COURT: Okay. Do you know if these
12 gentlemen have dual citizenship? So some countries when
13 you take on United States citizenship you lose the
14 citizenship that you had in your prior country.

15 Do you know if they maintain dual
16 citizenship?

17 THE WITNESS: I don't know if they maintain
18 dual citizenship.

19 THE COURT: So another thing we talked about
20 today are what you would consider to be mitigating
21 circumstances. I just want to confirm.

22 You agree that surrender of passports would
23 be a mitigation?

24 THE WITNESS: That's mitigating.

25 THE COURT: Okay. You believe that

1 employment would be a mitigating factor so long as their
2 employment did not involve in any way cellular devices;
3 is that correct?

4 THE WITNESS: It could be, yes.

5 THE COURT: You have spoken regarding --
6 we've heard the term "millions of dollars."

7 Do you have any reason to believe that these
8 two individuals have significant assets outside of the
9 country that they could use to flee?

10 THE WITNESS: We're still conducting that
11 financial investigation, but nothing right now.

12 THE COURT: Okay. And then as it relates to
13 SCS Canada, is it your belief that these gentlemen have
14 an ownership interest in that entity?

15 THE WITNESS: Based off the cooperating
16 defendant's statement where they said their cousin was
17 up there running the business for them and that the
18 cousin came down here to learn how to run the business.

19 THE COURT: Okay. And so my question is just
20 a little different.

21 Certainly, I understand your representation
22 that they have a family member who is running the
23 entity. But is it your belief that they have an
24 ownership interest in it such -- because, obviously, the
25 implication is why was it not disclosed in the pretrial

1 services report.

2 THE WITNESS: Correct.

3 THE COURT: So, you know, you don't disclose
4 entities necessarily that your family is running.

5 So I'm asking you: Do you believe that these
6 folks have an ownership interest in that entity?

7 THE WITNESS: Yes. Based off the financial
8 statements from Interstellar and that it says "SCS
9 Canada" and the cooperating defendants' statements.

10 THE COURT: And the other question that I
11 have for you, sir, is: We've talked a lot about the
12 danger of these individuals to the community. And if
13 I'm understanding your testimony, certainly you believe
14 that these gentlemen had significantly impacted or
15 caused economic harm; is that correct?

16 THE WITNESS: Correct. Yes.

17 THE COURT: All right. So what I'm to look
18 at in addition to the weight of the evidence is the
19 likelihood that they're a continuing danger.

20 And so I need to know your testimony here
21 today as to whether or not you believe these gentlemen
22 to be a continuing economic danger.

23 THE WITNESS: If they get back into the
24 business.

25 THE COURT: Okay. And what is your

1 understanding from your investigation as to your belief?
2 Do you think that they're going to get back into the
3 business or not?

4 THE WITNESS: It's just hard to say at this
5 point, ma'am. I don't have any basis right now -- right
6 now that would let me know that they're going to
7 continue this business other than other cooperating
8 defendants have received offers for devices and
9 essentially -- like, the network is still there. We
10 haven't indicted everybody in the network. So the
11 opportunity is there if it presents itself. It can --
12 they could move forward in this line of business, but
13 that's what I have.

14 THE COURT: And so you're not disputing here
15 today that they do have family ties here in this
16 district?

17 THE WITNESS: No.

18 THE COURT: Or that they have resided in this
19 district for a significant period of time?

20 THE WITNESS: Yes.

21 THE COURT: You're also not disputing that
22 they have no past criminal history?

23 THE WITNESS: Not disputing.

24 THE COURT: And you're not alleging that
25 either of these gentlemen have drug or alcohol abuse; is

1 that correct?

2 THE WITNESS: Correct.

3 THE COURT: All right. Anything further,
4 Mr. Gonzalez?

5 MR. GONZALEZ: Can I ask questions?

6 THE COURT: Yes. I'm inviting both sides to
7 ask any additional questions.

8 FURTHER REDIRECT EXAMINATION

9 BY MR. GONZALEZ:

10 Q. The contacts that you've talked about in Canada,
11 they're doing business -- they're sending items to
12 foreign countries as well?

13 A. Correct.

14 Q. So they have business contacts with other
15 individuals in these other foreign countries? It's not
16 only Canada?

17 A. No -- yes. It's Dubai as well.

18 Q. So they have other interests over there? They have
19 other contacts? They have people that they know in a
20 foreign country?

21 A. Correct.

22 Q. And in regards to one of the statements made by one
23 of the defendants, who is a cooperating defendant, is
24 that he owns property in Pakistan?

25 A. Yes.

1 Q. And the information provided by that cooperating
2 defendant is information that you've corroborated,
3 correct?

4 A. We've corroborated some of his information. Not
5 necessarily that information.

6 Q. True. But the information that he's provided to
7 you, you found to be credible and reliable?

8 A. Correct.

9 Q. Based on your corroboration of his information?

10 A. Yes.

11 Q. And this is one of the statements that he made
12 telling you that that's what Saad Aziz told him?

13 A. Correct.

14 Q. Now, in regards to the defendants now having
15 knowledge of people cooperating against them, when you
16 told them in interviewing them or talking to them
17 before, you said there were cooperators that had
18 provided information, correct? A very generalized
19 statement?

20 A. Yes. If that's what I said. I can't recall.

21 Q. Okay. But here you're being very specific. You're
22 saying --

23 A. Yes.

24 Q. -- CD 1, CD 2, and CD 4, and you're talking about
25 very specific events where those individuals were

1 involved with them. So it won't take a lot of effort by
2 them to find out who those individuals are that are now
3 cooperating with you?

4 A. Correct. They could.

5 Q. So that is information that they didn't have before
6 this hearing today?

7 A. Correct.

8 Q. And -- so based on that -- now they know more about
9 who's cooperating against them, who could possibly come
10 in and testify against them, and now expose them to a
11 considerable amount of time, correct?

12 A. Correct.

13 Q. That's information that they didn't have?

14 A. Yes.

15 Q. That's information that they now have and may be an
16 impetus to flee?

17 A. Correct. It could be another factor.

18 Q. And the fact that somebody -- someone gets
19 naturalized or becomes a U.S. citizen, that in and of
20 itself doesn't stop someone from becoming a fugitive?

21 A. No.

22 Q. The fact that someone turns in their passport, that
23 in and of itself doesn't stop somebody from becoming a
24 fugitive?

25 A. No.

1 Q. There has been other instances where individuals
2 have fled?

3 A. Correct.

4 Q. Are you familiar with an individual by the name of
5 Frederico Machada (phonetic)?

6 A. No.

7 Q. Who cooperated with the government, turned in his
8 passport, and then after cooperating and leading to the
9 indictment and arrest of other people, decided to flee
10 and go to Argentina --

11 THE COURT: Mr. McCarthy, I already know
12 where you're headed with this.

13 Mr. Gonzalez, do you have a different
14 question that you would like to ask?

15 BY MR. GONZALEZ:

16 Q. Do you know about that case?

17 THE COURT: No. Let's move on from that. I
18 get the point that you're trying to make. There is
19 always a risk of flight if somebody's out on conditions,
20 and the Court is certainly apprised as -- that that risk
21 is inherent in anyone who is under indictment and is
22 released.

23 BY MR. GONZALEZ:

24 Q. And the fact that he has a family here in the
25 United States, that's not necessarily a factor to

1 becoming a fugitive either. They're not looking at a
2 long sentence. These defendants --

3 A. You could flee without your family or bring your
4 family with, yes.

5 Q. And substantial ties to the community at length --
6 it says here, "Time in community of residence: Three
7 years."

8 Is that a substantial amount of time in the
9 community?

10 A. What?

11 Q. Under the pretrial services report.

12 A. Is that just in the neighborhood, or is that in the
13 Dallas area?

14 Q. It says, "Time in community of residence: Three
15 years."

16 A. Three years.

17 Q. On the pretrial services report, Mr. Maaz Aziz --
18 is that a substantial amount of time in the community?

19 A. It's not ten years.

20 Q. And then when it talks about, well, a lot of ties
21 that got -- his family is here. His brother is here.

22 But is there anybody outside of the family
23 that he has significant ties to?

24 A. I don't know.

25 Q. Attends church. That doesn't necessarily mean he

1 has significant ties there either?

2 A. Correct.

3 Q. And this new employer that both defendants are
4 offering up as a prospective employer, do you know what
5 it was that they told them, or do you know if they
6 notified them -- I know the letter says that they
7 notified them of their legal troubles.

8 Do you know if they notified them
9 specifically about what they were involved with
10 involving stolen products?

11 A. No.

12 Q. So you don't know whether he would still offer him
13 that job if he knew the specifics of this?

14 A. Yeah. I don't know.

15 THE COURT: Anything further, Mr. Gonzalez?

16 MR. GONZALEZ: That's it, your Honor.

17 THE COURT: All right. So I'm going to allow
18 you two questions.

19 FURTHER RECROSS-EXAMINATION

20 BY MR. CASTLE:

21 Q. Having long-standing ties to community doesn't mean
22 living in the same house every single day for that
23 entire period, does it?

24 A. It's one factor. Are you talking about community
25 of the neighborhood or community of the overall

1 community?

2 Q. From Irving to Euless in the Dallas-Fort Worth
3 area?

4 A. It just depends where else they're at -- where else
5 they're spending their time in the community.

6 Q. Fifteen years within 15 miles and his whole family
7 lives in the neighborhood around him. Are you aware of
8 that?

9 A. Now I am today.

10 Q. He doesn't have to live in the same house to be a
11 part of the community, correct?

12 A. You don't have to, no.

13 Q. Another question where Mr. Gonzalez was saying he's
14 hearing this for the first time at this hearing, that's
15 false, isn't it?

16 A. Why would you say that?

17 Q. Because you told him -- you told us during
18 conversations between me and Mr. Gonzalez, you and
19 Mr. Wohlford, you had people close to him that were
20 ready to cooperate with you who were going to show they
21 were engaged in criminal conduct --

22 MR. GONZALEZ: Your Honor, this is -- defense
23 counsel is going to interject himself into being a
24 witness in this case. That's not what we said. What
25 was said is that there was cooperating -- it may have

1 been said to him, but that doesn't mean that it was said
2 to the defendants. He wasn't there for that -- that
3 interview. And so he can't say that those things were
4 said when he wasn't there --

5 THE COURT: Gentlemen --

6 MR. GONZALEZ: If he wants to be a witness --

7 THE COURT: Gentlemen, let's ask the witness
8 the question.

9 I gave you two. I think we've already moved
10 past two.

11 MR. CASTLE: My last question, your Honor.

12 THE COURT: Okay.

13 BY MR. CASTLE:

14 Q. Do you recall -- just for foundation, two
15 questions.

16 Do you recall a call between Mr. Gonzalez
17 where he brought you in --

18 A. Yes.

19 Q. -- me and you?

20 A. Yes.

21 Q. During that call, Mr. Gonzalez expressed to us and
22 you concurred that you had people who were close to the
23 Azizs who were cooperating?

24 A. Again, generalized statements there versus these
25 specific statements and more in-depth statements today.

1 MR. CASTLE: Nothing further.

2 THE COURT: Thank you.

3 Mr. McCarthy, anything further?

4 MR. MCCARTHY: No.

5 THE COURT: All right. Agent Doering, you
6 may step down.

7 All right. Counsel, I'm going to ask for all
8 counsel to convene in my conference room.

9 (A short recess was taken.)

10 THE COURT: The Court is back on the record.
11 We're here in Cause No. 4:20-cr-382.

12 Let me go ahead and just confirm. Does the
13 government have any further witnesses to present or
14 evidence to proffer to the Court at this time?

15 MR. GONZALEZ: No, your Honor.

16 THE COURT: And so then I will turn at this
17 time, Mr. Castle and Mr. Wohlford, do you have any
18 witnesses to present to the Court?

19 MR. WOHLFORD: Yes, your Honor, I do.

20 The first witness would be Haitham Issa.

21 THE COURT: Mr. Issa, if you could come
22 forward to be sworn, please.

23 (The witness was duly sworn.)

24 THE COURT: Sir, if I might ask once you're
25 seated if you could please tell me your full name.

1 THE WITNESS: Haitham Issa.

2 THE COURT: And can you spell that as well,
3 please?

4 THE WITNESS: H-a-i-t-h-a-m, first name, and
5 last name I-s-s-a.

6 THE COURT: Thank you.

7 You may proceed.

8 MR. CASTLE: Thank you, your Honor.

9 HAITHAM ISSA,
10 called as a witness herein, having been first duly
11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CASTLE:

14 Q. Mr. Issa, what do you do for a living?

15 A. I work for a family business. We've owned it for
16 the past 20 or so years. The name of that business is
17 Big D Automobile. It's located in Dallas.

18 Q. Okay. And what sort of services does that business
19 provide?

20 A. It's a mechanic shop. We do full service.
21 Anything engine, transmission, brakes, light work, heavy
22 work. All of that. We recently started doing custom
23 work for vehicles such as lift kits, lowering kits, some
24 rims and tires, and such.

25 Q. Okay. And nothing to do with cell phones or

1 consumer electronics; is that right?

2 A. No.

3 Q. Okay. And you said this is a family business?

4 A. Yes. Family owned for -- since, I believe, 1999 or
5 so. So a little over 20 years.

6 Q. Okay. And how long have you known Maaz Aziz?

7 A. I met him my sophomore year in high school. So
8 about -- I mean, as long as he's been here. So about 10
9 or more years or maybe 11 years to be exact. I've known
10 him since then. Since he moved from New York.

11 Q. Okay. And so you all met around 2010; is that
12 fair?

13 A. Yeah. I guess that would be the beginning of my
14 sophomore year. Yeah, 2010. End of 2010, yeah.

15 Q. And do you consider Maaz a good friend?

16 A. Yes.

17 Q. Okay. And were you born in Texas?

18 A. I was born and raised in Irving.

19 Q. Okay. Been here all your life?

20 A. Yes, sir.

21 Q. Okay. You're a U.S. citizen, right?

22 A. Yes.

23 Q. Okay. Has -- to your knowledge, has Maaz lived in
24 North Texas since you and he met in high school?

25 A. Yes.

1 Q. And do you know Maaz's immediate family?

2 A. I know -- I've met -- I mean, almost everybody
3 possible from his family probably.

4 Q. Okay. You know his wife Ameirah?

5 A. Yes.

6 Q. And their four little children?

7 A. Yes, sir.

8 Q. Okay. Does Maaz's family primarily reside in North
9 Texas?

10 A. For -- yes. Almost all of them, yes, sir.

11 Q. Okay. Does Maaz have family in Pakistan?

12 A. I went with them on the trip where they went for
13 his sister's wedding. And, to my knowledge, I mean, all
14 that I met who was his direct family was maybe one or
15 two uncles at most. But it seemed like -- I mean, they
16 haven't -- they haven't -- from my knowledge -- what I
17 saw there, they hadn't seen or even spoken to Maaz since
18 he left, which I believe -- I don't know. I can't
19 remember what age he was when he left. I think maybe
20 around four or five years old.

21 Q. Okay.

22 A. And they were surprised to see him.

23 Q. So you went with Maaz to his sister's wedding in
24 Pakistan, right?

25 A. Yes, sir.

1 Q. Okay. And how long did you all stay in Pakistan on
2 that trip?

3 A. The flight there seemed longer than the time we
4 were there. I think maybe three or four days, five days
5 at the most.

6 Q. Okay.

7 A. I don't think any longer than four days, though.

8 Q. And did Maaz want to stay in Pakistan when you were
9 there?

10 A. Not at all. Not at all.

11 Q. Has Maaz ever indicated to you that he would like
12 to move back to Pakistan?

13 A. No.

14 Q. Does Maaz enjoy living in America?

15 A. Very much so, yes. There's a lot of things you
16 can't do there that you can -- you know, obviously a lot
17 more opportunity here than there is there.

18 Q. Do you think Maaz would ever live anywhere other
19 than America?

20 A. No.

21 Q. Do you think that Maaz would ever leave his family?

22 A. No.

23 Q. To your knowledge, has Maaz ever been convicted of
24 a crime?

25 A. No.

1 Q. Does Maaz use drugs?

2 A. No, sir.

3 Q. Does Maaz use alcohol -- drink alcohol?

4 A. No.

5 Q. Is Maaz a violent person?

6 A. No.

7 Q. Have you ever seen Maaz act violently towards
8 anyone?

9 A. No.

10 Q. If the Court were to release Maaz before his trial,
11 I understand you are prepared to hire him to work at
12 Big D Auto; is that correct?

13 A. Yes, sir.

14 Q. And you would hire him immediately?

15 A. Of course. Yes.

16 Q. Would you hire him even after hearing the
17 presentation by the prosecutor today?

18 A. Yes. That's not a problem.

19 Q. Without question?

20 A. Without question.

21 Q. And you will have him do marketing and business
22 development; is that right?

23 A. Yes.

24 Q. And you anticipate being able to pay him between
25 \$5,000 and \$8,000 a month for that work?

1 A. Yes, sir.

2 Q. Do you know Maaz to be a hard worker?

3 A. Of course. Yes.

4 Q. Is he a good provider for his family?

5 A. Uh-huh.

6 Q. Now, with respect to whether or not you would be
7 willing to serve as a third-party custodian for Maaz,
8 would you be willing to move in with Maaz, if necessary?

9 A. Yes. Move in with him or he could move in with me.
10 Yeah. That's not a problem.

11 Q. And you would watch him?

12 A. Yes, sir.

13 Q. Both at home and at work?

14 A. Yes, sir.

15 Q. And you would report Maaz if he violated any
16 conditions on his release that this Court might place on
17 him?

18 A. Of course.

19 MR. WOHLFORD: Okay. Nothing further.

20 THE COURT: Mr. Gonzalez.

21 CROSS-EXAMINATION

22 BY MR. GONZALEZ:

23 Q. Sir, you've said you've known him for some time?

24 A. Correct.

25 Q. Does he have any family members in Pakistan --

1 Pakistan? You kind of danced around that question.

2 Does he or does he not have family members in
3 Pakistan?

4 A. Of course, he does.

5 Q. Okay. How many family members do you know that he
6 has?

7 A. In Pakistan, I honestly couldn't be sure. Maybe
8 two. I would say -- you know, maybe two or three
9 immediate family members.

10 Q. Maybe two or three.

11 Do they own homes there?

12 A. I don't know if they own them or not. They
13 certainly live in homes there.

14 Q. And they certainly wouldn't turn him away if he
15 decided to go there, right? That's family, right?

16 A. I have no idea. I don't know their -- I don't know
17 their relationship.

18 Q. Okay. You don't know whether they would turn him
19 away if he went there?

20 A. I don't know. You know, them knowing he's running
21 away, how that would change a person. You know, for
22 instance, if I knew somebody was running away from the
23 law, I wouldn't harbor them in my home.

24 Q. Have you ever purchased any items from Maaz?

25 A. No, sir.

- 1 Q. No items at all?
- 2 A. No, sir.
- 3 Q. Have you ever been over to his business?
- 4 A. Yes. I've been to his office.
- 5 Q. And what items have you seen there at the business?
- 6 Have you ever asked where he's purchasing all those
- 7 items?
- 8 A. No, sir. I've been to his office. I haven't been
- 9 to the back of their warehouse.
- 10 Q. Well, you don't necessarily have to be -- go to the
- 11 back of the warehouse. There's an open area there right
- 12 in front of the warehouse, isn't there?
- 13 A. I was at his old -- I have never seen his new
- 14 office that they moved into recently. I -- I've seen
- 15 the old warehouse that they were in.
- 16 Q. So you've never been to the new warehouse?
- 17 A. No, sir.
- 18 Q. Where all of the items that were depicted on the
- 19 screen were located that were all stolen items?
- 20 A. No. That new warehouse, I have not been to, sir.
- 21 Q. So you had no idea that he was involved in
- 22 purchasing stolen items?
- 23 A. No, sir.
- 24 Q. Never talked to you about that?
- 25 A. No, sir.

1 Q. Concealed that from you?

2 A. No, sir.

3 Q. He never told you?

4 A. No.

5 Q. Okay. You say you would have him live in your
6 house.

7 Who lives -- who lives with you?

8 A. Currently, I live -- my mother and my siblings live
9 there.

10 Q. How old is your mother?

11 A. My mother is about 52 -- 52 years old.

12 Q. And siblings?

13 A. I'm the oldest at 26. The next one would be 23,
14 and then I have another sister that is 20. I have a
15 brother that just turned 19. Sorry. He's 21 and then
16 19.

17 Q. Okay. And they all live at this residence,
18 correct?

19 A. Yes, sir.

20 Q. Okay. Do they know about Maaz's involvement in
21 this activity?

22 A. They all know I'm here. They know why I'm here
23 today, sir.

24 Q. But do they know he was involved with purchasing
25 and selling large quantities of stolen materials?

- 1 A. I don't know that he was involved in that.
- 2 Q. The question is: Do they know?
- 3 A. No, they don't.
- 4 Q. Have you talked to them about bringing somebody
- 5 into your house that has these kind of charges against
- 6 them?
- 7 A. No. I have not talked to them about that.
- 8 Q. Okay. And is this your house? Your mom's house?
- 9 Whose house is this?
- 10 A. This is my house.
- 11 Q. And you said you don't know him to use any drugs?
- 12 A. No, sir.
- 13 Q. Not even on one single occasion?
- 14 A. No, sir.
- 15 Q. Did he ever talk to you about using drugs on one
- 16 single occasion?
- 17 A. No, sir.
- 18 Q. Would it surprise you that he said that he used
- 19 marijuana on one occasion about a month ago?
- 20 A. No, sir.
- 21 Q. Never talked to you about that?
- 22 A. No, sir.
- 23 Q. So it's safe to say there are things about him that
- 24 you just don't know, right?
- 25 A. I think that's -- that could be true, yes, sir.

1 Q. Any firearms? Does he own any firearms?

2 A. Yeah. We purchased one together actually.

3 Q. What kind of firearm did you purchase together?

4 A. It was a Remington 870 we purchased together. To
5 my knowledge, he has not shot it once. I, on the other
6 hand, have taken it --

7 Q. And where did you take that firearm?

8 A. I don't know exactly where. I mean, I wouldn't
9 tell somebody where I kept my firearms at home.

10 Q. No. The question was not that. Not what you would
11 do. I'm asking you --

12 A. I don't know.

13 Q. -- do you know where he keeps his firearm?

14 A. I'm not sure.

15 Q. How long ago did you purchase this firearm?

16 A. I can't give an exact time frame. It was maybe
17 three years ago. Maybe possibly more.

18 Q. Has he ever sold you a cell phone?

19 A. Sold me a cell phone? No.

20 Q. Never sold you a cell phone even though he's in the
21 cell phone business? Never sold you a cell phone?

22 A. I mean, I don't -- you know, we're good friends.

23 He's given me gifts before. I haven't -- I don't think
24 I've ever purchased --

25 Q. What kind of gifts has he given you?

1 A. You know, there -- I can't recall off the top of my
2 head.

3 Q. Cell phones? Computer? Laptop? Electronics?

4 A. Maybe some Airpods from him. Something like that,
5 you know.

6 Q. Airpods. What else? Computers? Cell phones?

7 A. Computer --

8 Q. Consumer electronics? Grills? Anything for the
9 shop?

10 A. No, nothing for the shop. I'm sure there were
11 other things. I mean, I can't think of them off the top
12 of my head.

13 Q. How long ago?

14 A. Probably -- nothing recent. Maybe two years ago
15 probably was the last thing I got from him.

16 Q. Okay. You are aware that they had this new
17 warehouse, but you've never been over there?

18 A. Yes. I contacted him about going over. I just
19 never had the chance to make it over there, you know.
20 We both get off of work at the same time, and I'm miles
21 away from him. So by the time I get off of work,
22 there --

23 Q. So how often do you see him on a weekly basis?

24 A. It fluctuates. We're both busy with work.
25 Sometimes we can go months without seeing each other.

1 Sometimes I'll see him multiple times in the same month.

2 Q. And what type of work would you have him doing at
3 your business?

4 A. Marketing.

5 Q. Marketing?

6 A. Yes, sir.

7 Q. Would he have access to other people's identities?

8 A. No.

9 Q. Driver's license?

10 A. No.

11 Q. Phone numbers?

12 A. No.

13 Q. Nothing?

14 A. I mean, phone numbers of customers or who?

15 Q. Yes.

16 A. Customer phone numbers? He wouldn't need those,
17 no.

18 Q. Do you have those types of items in your business
19 office?

20 A. Yes. We have them on work orders for the customers
21 that come in and --

22 Q. Credit card accounts?

23 A. No.

24 Q. Nobody pays with credit card at your business?

25 A. We don't keep credit card information. It goes

1 through the machine. We don't keep any information.

2 MR. GONZALEZ: That's all I have, your Honor.

3 THE COURT: Any further questions for your
4 witness?

5 MR. WOHLFORD: Nothing further, your Honor.

6 THE COURT: Thank you, sir. You may step
7 down.

8 Do you have any further witnesses to present
9 or evidence to proffer to the Court at this time?

10 MR. WOHLFORD: I'm sorry, your Honor. Just
11 one minute.

12 No further witnesses, your Honor.

13 THE COURT: Thank you. Do you have any
14 further witnesses to call on behalf of Saad Aziz?

15 MR. MEYER: Yes, your Honor. We'd call
16 Dua Aziz.

17 THE COURT: She may come forward,
18 please.

19 (The witness was duly sworn.)

20 THE COURT: Ma'am, if you would like, you can
21 leave your mask on or you may take it off. But if
22 you'll please state your name into that microphone and
23 spell it for me as well.

24 THE WITNESS: Dua Aziz, D-u-a, A-z-i-z.

25 THE COURT: Thank you.

1 You may proceed.

2 MR. MEYER: Thank you, your Honor.

3 DUA AZIZ,

4 called as a witness herein, having been first duly

5 sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MEYER:

8 Q. And, Ms. Aziz, I take it you're married to

9 Maaz Aziz?

10 A. Yes.

11 Q. How long have y'all been married?

12 A. Five years.

13 Q. Do y'all have any children?

14 A. Yes. Two.

15 Q. Okay. How old are they?

16 A. One is three years old and one is ten months old.

17 Q. Okay. All girls? All boys? Boy and girl?

18 A. No. One is girl; one is boy.

19 Q. All right. And is Saad involved with the kids?

20 A. Yes. All of the time.

21 Q. Okay. What does he do?

22 A. He does all of the stuff father's should do like
23 change them, give them bath, take them out, feed them.

24 All that kind of stuff.

25 Q. Okay. How have you been able to manage the last

1 few days without Saad there?

2 A. It's horrible. I can't manage. Like --

3 Q. Okay. Does anybody else live in your house with
4 you besides your children and Saad?

5 A. Yes. His mom.

6 Q. Okay.

7 A. My mother-in-law.

8 Q. Okay. And how old is she?

9 A. Sixty-five, I guess.

10 Q. Okay. And does she have any health issues?

11 A. Yes.

12 Q. Okay. Tell us about that.

13 A. She has anxiety, depression. She has high blood
14 pressure.

15 Q. Okay. And who takes care of her?

16 A. Him.

17 Q. All right. And in the last month since all of --
18 since Saad has become aware of this, has he made any
19 mention of leaving the country?

20 A. No.

21 Q. Would he leave the country without you and your
22 children?

23 A. No.

24 Q. Okay. Do you and your children have passports?

25 A. Yes.

1 Q. All right. And are you prepared to surrender those
2 if the Court requests?

3 A. Yes. Definitely.

4 Q. To be clear, you're prepared to surrender your
5 passport and your children's passports?

6 A. Sorry?

7 Q. You're prepared to surrender your passport --

8 A. Yes.

9 Q. -- and your children's passports?

10 A. Yes.

11 Q. Okay. And the last questions I've got, Dua, are --
12 I think you've heard some discussion in the court about
13 serving as a third-party custodian.

14 A. Uh-huh.

15 Q. Is that something that you're willing to do?

16 A. Yes.

17 Q. Okay. And to be clear, that means if you thought
18 Saad was trying to leave the country, you would be
19 responsible for calling the police.

20 A. Yes.

21 Q. Is that something you're willing to do?

22 A. Yes.

23 Q. And if you thought he was doing something illegal,
24 you would be responsible for calling the police?

25 A. Yes.

1 Q. Okay. And you're okay doing that?

2 A. Yes.

3 Q. Can I ask you why you're okay -- why you're
4 comfortable calling the police on your husband?

5 A. Yes. Because I love him. I want -- I don't want,
6 like -- I don't want him to do such kind of stuff.

7 Like -- because I love him. That's all I have to say.

8 MR. MEYER: Okay. We pass the witness, your
9 Honor.

10 THE COURT: Mr. Gonzalez.

11 CROSS-EXAMINATION

12 BY MR. GONZALEZ:

13 Q. Ma'am, you say you love him, but were you aware
14 that he was in possession of stolen items?

15 A. No.

16 Q. Have you ever gone to the warehouse?

17 A. Yes.

18 Q. Have you ever seen the items that are at the
19 warehouse?

20 A. Yes.

21 Q. Did you ever question him about those items at the
22 warehouse?

23 A. No.

24 Q. Did you ever ask where those items were being
25 purchased from?

1 A. No.

2 Q. So the fact that he had all these stolen items at
3 the warehouse he was keeping from you, correct?

4 A. Yes.

5 Q. Okay. Has he ever -- who is Jawaad Farooq?

6 A. What is it?

7 Q. Jawaad Farooq.

8 A. Jawaad Farooq?

9 Q. Yes.

10 A. His cousin.

11 Q. Okay. And where is he? Where is he?

12 A. He's in Canada.

13 Q. And does he run SCS in Canada?

14 A. I don't know.

15 Q. Or involved with SCS in Canada?

16 A. I don't know.

17 Q. You don't know.

18 Did you ever talk to your husband about him
19 running the company in Canada?

20 A. No. We don't -- we didn't talk about it.

21 Q. Didn't talk about it.

22 But you're aware that there is a company in
23 Canada, correct? You're aware that there's a SCS in
24 Canada?

25 A. Yeah. I just got to know.

- 1 Q. When? Today?
- 2 A. Yes.
- 3 Q. Your husband has never talked to you about that?
- 4 A. No.
- 5 Q. Never talked to you about his cousin running that
- 6 in Canada?
- 7 A. No.
- 8 Q. Okay. And you have traveled to Canada, correct?
- 9 A. Yes.
- 10 Q. Have you ever gone to visit the cousin in Canada?
- 11 A. Yes.
- 12 Q. Okay. And when you were there in Canada, did you
- 13 ever talk to him about what he did for a living?
- 14 A. No, we didn't.
- 15 Q. Did he ever travel here to Texas?
- 16 A. Yes.
- 17 Q. Did you ever talk to him here asking him what he
- 18 did for a living?
- 19 A. No.
- 20 Q. Okay. Is it safe to say that you're not aware of
- 21 your husband's activities, correct? What he's doing at
- 22 the warehouse?
- 23 A. I mean, I do. I mean --
- 24 Q. Do you work at the warehouse? Do you work in the
- 25 business?

1 A. No. But I know what kind of business he does.

2 Q. Okay.

3 A. It's an electronic business.

4 Q. So he sells consumer goods, right?

5 A. Yes.

6 Q. Electronics. Do you know who is selling him those
7 electronics and consumer goods?

8 A. No.

9 Q. You never talked to him about that?

10 A. No.

11 Q. Has he ever had to go do transactions in the middle
12 of the night?

13 A. No.

14 Q. Never late at night? Midnight? You've never seen
15 him leave the house to go do a business transaction at
16 midnight?

17 A. I don't know.

18 Q. Do you not live in the same house with him where
19 you would know if he left at midnight to go do a
20 business transaction?

21 A. I mean, not off -- I can't remember.

22 Q. Okay. Does he own any firearms?

23 A. Yes.

24 Q. Has he ever taken any firearms to any business
25 transactions that you know of?

1 A. I don't know.

2 Q. Does he have any firearms -- how many firearms does
3 he have?

4 A. I guess, one.

5 Q. Okay. When did he get that?

6 A. I don't know.

7 Q. Where does he keep it?

8 A. In the safe.

9 Q. Okay. Now, do you know any of the individuals that
10 he does business transactions with?

11 A. No.

12 Q. He's never talked to you about them? Never come
13 over to your house?

14 A. Sorry?

15 Q. Has he ever had them come over to his house? Any
16 of these individuals that he does business transactions
17 with?

18 A. I mean, no.

19 Q. Never?

20 A. Not that I recall.

21 Q. No?

22 A. Not that I recall.

23 Q. How many bank accounts do you have?

24 A. I do?

25 Q. You and your husband or -- you and your husband

- 1 together. Let's start with you and your husband.
- 2 A. I have one account.
- 3 Q. How about your husband's accounts? How many --
- 4 A. I don't know about that.
- 5 Q. You don't know how many bank accounts he has?
- 6 A. No.
- 7 Q. How many properties does he own?
- 8 A. Where? In Texas?
- 9 Q. Sure. In Texas. Let's start in Texas.
- 10 A. I don't know.
- 11 Q. You don't know about the properties in Frisco,
- 12 Texas?
- 13 A. I mean, yeah. One property.
- 14 Q. One property?
- 15 A. Yes.
- 16 Q. And how much is it worth? When did he buy it?
- 17 A. I don't know about the worth.
- 18 Q. When did he buy it?
- 19 A. I'm not sure. I'm not sure about the time period.
- 20 Q. Okay. Does he still own it? Has it been sold? Is
- 21 it up for sale?
- 22 A. I don't know about that.
- 23 Q. What about properties in foreign countries? Do you
- 24 know about that?
- 25 A. No.

- 1 Q. Does he own any properties in Pakistan?
- 2 A. I don't know.
- 3 Q. Does he have family members in Pakistan?
- 4 A. Yes.
- 5 Q. Who lives in Pakistan?
- 6 A. His cousins.
- 7 Q. How many cousins does he have that live in
- 8 Pakistan?
- 9 A. I mean, a few.
- 10 Q. Give me -- give me an estimate. More than ten?
- 11 A. Maybe ten.
- 12 Q. Okay. And those are the same cousins for Maaz
- 13 Aziz, correct?
- 14 A. Yes.
- 15 Q. Okay.
- 16 A. But they're extended family.
- 17 Q. Anybody else? Any other family members other than
- 18 cousins? Uncles? Aunts? Grandparents?
- 19 A. Yes.
- 20 Q. Okay. How many of them?
- 21 A. I don't know. I mean, he -- he has one grandma
- 22 that's --
- 23 Q. So he has extended family? He has quite a bit of
- 24 family still in Pakistan, correct?
- 25 A. Yes.

1 Q. Okay. And if he decided to go there, he would be
2 well received. They wouldn't turn him out. They
3 wouldn't push him out, right? They would bring them
4 into their house. They would feed him. They would make
5 sure he's safe, right?

6 A. No.

7 Q. No?

8 A. I don't think so.

9 Q. His family members wouldn't give him a place to
10 stay?

11 A. I don't know. I don't think so.

12 Q. Why do his family members hate him so much?

13 A. Sorry?

14 Q. Why do his family members hate him that they won't
15 allow him to stay in their house?

16 A. I mean, I don't know.

17 Q. You don't know?

18 A. No.

19 MR. GONZALEZ: That's all I have, your Honor.

20 THE COURT: Do you have any further questions
21 for this witness?

22 MR. MEYER: No.

23 THE COURT: Thank you, ma'am. You may step
24 down.

25 Do you have any further witnesses to present

1 or evidence to proffer to the Court?

2 MR. MEYER: No, your Honor.

3 THE COURT: In light of the fact that this is
4 not a presumption case, I'll hear argument from the
5 government first.

6 MR. GONZALEZ: Your Honor, we would argue,
7 first of all, that the witnesses that have been provided
8 as third-party custodians are insufficient for this
9 Court to rely on. That -- for example, the witness who
10 had just testified, Saad Aziz's wife, was oblivious to a
11 lot of what her husband was doing or his business
12 activities, his business accounts, his belongings. She
13 was honest about the fact that he has an extensive
14 family in Pakistan. We would argue that would pose a
15 risk of flight.

16 As the agent testified, he now has an idea of
17 the strength of the government's case. He now knows
18 who's cooperating against him to put it together. We
19 would argue that based on that there is some incentive
20 for him to flee this country. The fact that he is now
21 facing multiple charges that carry with it a term of up
22 to 20 years is an incentive for -- for the defendant to
23 flight. The fact that -- the fact that he has not been
24 candid and honest with the Court and not having provided
25 the Court all of the information that it needs to make a

1 proper assessment whether the defendant should be
2 released on bond. The fact that they hid there was
3 several properties in Frisco, Texas, that were up for
4 sale at the present time and not report that to the
5 Court I think is indicative of their ability or -- their
6 ability to conceal things from this Court.

7 The fact that they're willing to forge
8 documents in order to get what they want is indicative
9 of their mindset to do whatever needs to be done to get
10 their way. Lastly, your Honor, he would argue that the
11 quantity of evidence that was provided by the agent
12 indicates that they were involved with this large --
13 very large conspiracy involving the selling of stolen
14 products. Not only domestically, but internationally.
15 They have substantial ties to foreign countries. The
16 fact that they're tied to another business in a foreign
17 country is also of concern to the government.

18 We believe that all of that is indicative of
19 someone who has the resources as well as the ability to
20 flee this country and be -- and is a substantial flight
21 risk. In regards to the other witness who testified for
22 Maaz Aziz as a third-party custodian, again, we would
23 argue that that particular third-party custodian is not
24 suitable to be an appropriate third-party custodian. In
25 questioning his knowledge about what he knew about his

1 friend that he's known for 11 years, it was very
2 limited. He didn't know a lot about his business
3 activities, hadn't been to the warehouse, and hadn't
4 questioned him about what he did for -- at the
5 warehouse.

6 So we would argue that his information --
7 what he knows about the defendant is so lacking in
8 knowledge that he would not be a suitable third-party
9 custodian. And the fact that there is other individuals
10 living at the house that he hasn't discussed about this
11 individual that's accused of these criminal offenses
12 coming to live at that house is also problematic and
13 that that would be an issue that the Court hasn't heard
14 to be resolved yet because those individuals haven't
15 been notified that he's volunteering his house to an
16 individual that's accused of these types of crimes.

17 We would argue, your Honor, that the strength
18 of the government's case is -- the strength of the
19 government's case relies heavily on co-conspirators',
20 co-cooperators' testimony, and the testimony is that
21 these individuals were involved in millions and millions
22 of dollars and involved in selling products
23 internationally. So their contacts are substantial
24 internationally.

25 So based on all of that, your Honor, based on

1 the totality of the information that the Court has
2 heard, we believe that they pose a significant risk of
3 flight. Some of the other considerations that the Court
4 needs to look at is their ties to the community. I
5 think the Court has heard that their ties to the
6 community are that of his family. Sure. He's tied to
7 his family, but I don't think the Court has heard that
8 he's tied to much more than that.

9 The nature and circumstances of the offense
10 charged. Well, the Court knows what the offenses are
11 that were charged. The fact that some of the
12 offenses -- maybe they may not have directly been
13 involved in the armed robberies, but some of the items
14 that were obtained through armed robberies were
15 eventually getting to them. Some of the items that were
16 obtained through fraud and identity theft, as the agent
17 testified -- tens of thousands of individuals whose
18 identities were --

19 THE COURT: Mr. Gonzalez, I'm going to
20 interject. Obviously, the Court's determination here
21 today must be tied to these individuals and their
22 involvement and their activity. So, certainly, I
23 understand the scope of the argument, but help me
24 understand as it relates to the nature and circumstances
25 of the offense whether or not as to these individuals

1 there is violence.

2 MR. GONZALEZ: Well, these individuals are
3 involved in the conspiracy, your Honor. And there are
4 acts of violence involved with individuals that are
5 within this conspiracy who were using acts of violence
6 to obtain some of the items that they were then
7 delivering to the defendants who then would obtain those
8 items and sell them and distribute them forward. So
9 this is a conspiracy. Some of the acts of the
10 co-conspirators can be attributable to these defendants
11 as well.

12 The fact that, as the testimony has been,
13 that some of them -- on some of the occasions guns were
14 brought by the defendants to some of these transactions
15 in order to make sure that the transactions ran safely
16 and securely. So I think the Court can take note of
17 that as well. The weight of the evidence against the
18 person is another thing that the Court looks at. The
19 weight of the evidence, as testified by the witness
20 Agent Doering, is substantial in the sense that we've
21 got multiple individuals identifying these two
22 defendants as being the recipient of stolen products by
23 different manners and that they then sell the stolen
24 products internationally and receive large sums of
25 money. As indicative of what was found in the

1 warehouse, 40 percent, as Agent Doering has testified,
2 has turned out to be primarily stolen products with
3 60 percent still to go worth hundreds of thousands of
4 dollars.

5 The history and characteristics of the
6 person, including the person's character, physical,
7 mental condition, family ties, employment. Well, family
8 ties, I've already talked about. His family ties are to
9 his direct family. It's not more than that. There's
10 equal family ties to individuals in Pakistan.
11 Employment. This was their employment. This was what
12 they were supporting their family with. The selling of
13 stolen items.

14 Financial resources. Substantial financial
15 resources has been testified by the agent. Not only
16 financial resources that we know about now and that has
17 been reported to the pretrial services report, but also
18 financial resources that the agent is still under -- is
19 still investigating. Sixty-five bank accounts is a
20 substantial amount of financial resources that we just
21 don't know how much money is still out there for them to
22 be able to use -- to be able to use to either flee the
23 country or go -- get back involved in this criminal
24 activity.

25 Length of residence in the community. I'll

1 leave that -- I'll leave that to the Court. Ten years.
2 If the Court thinks that ten years of residence is
3 substantial, then so be it. The nature and seriousness
4 and danger to any person or the community that would be
5 posed by the person. He would argue that there is a
6 substantial danger. They've been involved in this type
7 of activity where there are victims where individuals
8 were using firearms in order to perpetrate the crime.
9 We believe that is a serious danger to the community.
10 We don't believe that that has been rebutted by any
11 other witnesses provided by the defendant.

12 So we would argue, based on all those
13 criteria and the things the Court needs to look at, that
14 both defendants should be detained.

15 THE COURT: Thank you.

16 Mr. Wohlford.

17 MR. WOHLFORD: Thank you, your Honor. I know
18 we've mentioned it a lot today, but this is not a
19 presumption and detention case. And because it's not a
20 presumption and detention case, the Bail Reform Act
21 creates a presumption of pretrial release. Now, after
22 hearing a bunch of testimony about, you know, what
23 Agent Doering thinks other defendants might have done
24 and the scope of this conspiracy, we didn't hear a whole
25 heck of a lot about Maaz Aziz.

1 What we heard was a lot of speculation and --
2 and then finally after we hear Agent Doering's
3 presentation, we hear that the only basis the
4 government's seeking to detain on is that he's a risk of
5 serious flight. And so to detain him on that basis, the
6 Court must not only find the risk of serious flight, the
7 Court has to also find that no condition or set of
8 conditions would ameliorate any concern of serious
9 flight. And we would respectfully submit that the
10 government hasn't met its burden. And even if the Court
11 does believe that Mr. Maaz Aziz is a risk of serious
12 flight, we would respectfully submit that as pretrial
13 services found in the pretrial services report, various
14 conditions can reasonably assure his appearance at these
15 proceedings.

16 So I would like to first address the flight
17 issue, your Honor. On the issue of flight, the evidence
18 does not create any sort of -- they did not present any
19 evidence that creates a -- a serious question as to
20 whether he's a risk of serious flight. Notably, even in
21 presumption cases, the Fifth Circuit has held that
22 long-standing ties to the community is sufficient to
23 rebut the presumption. And Mr. Aziz does have
24 long-standing ties to the community. Notwithstanding,
25 Mr. Gonzalez misrepresenting that he's only lived here

1 for three years. He's lived here for at least ten. He
2 went to high school here. He's a proud naturalized
3 American citizen. He's married to his high school
4 sweetheart Ameirah who is a natural born American
5 citizen.

6 Him and Ameirah have four young, beautiful
7 children that mean everything to Mr. Aziz. Mr. Aziz and
8 Ameirah own a beautiful home where they're raising their
9 children and also taking care of Ameirah's mother.
10 Mr. Aziz's brother, his brother's family, his aging
11 mother all live in North Texas near Mr. Aziz and
12 Ameirah. His sister also lives in Texas, and his cousin
13 also lives in Texas nearby. Mr. Aziz may have been born
14 in Pakistan, but the United States and particularly
15 North Texas is his home. He would never abandon his
16 family no matter what sort of charges he's facing.

17 Now, although Mr. Aziz has traveled
18 internationally, he immediately surrendered his passport
19 to his attorneys when he hired us. And we have been
20 prepared and have offered repeatedly to surrender them
21 to Mr. Gonzalez and are prepared today to surrender them
22 to the Clerk of the Court. Now, we've heard about this
23 COVID document. Again, what we've got here is the
24 evidence that a confidential defendant whose been
25 detained facing serious time said that he -- that

1 Mr. Aziz was somehow involved in getting him a COVID
2 document. There is not a bunch of details about it.
3 It's not at all clear that this confidential defendant
4 and this informant had any actual knowledge that Maaz
5 used the forge document.

6 They didn't present a forged document that
7 Maaz used today. But even if he had done that, which it
8 would have been a stupid thing to do, that doesn't mean
9 that he has any ability to forge a document that could
10 get him out of the country once his passports are
11 sitting here with the Clerk of the Court. And so even
12 if you take that evidence as -- as established that
13 Mr. Maaz Aziz was involved in creating a fake COVID
14 test, that doesn't at all mean that he's a risk of
15 flight because his passport is going to be here and he's
16 not going to be able to get out of the country without
17 it.

18 As for -- as for this SCS Canada business,
19 there's no evidence -- none whatsoever -- first, that
20 SCS Canada is illegal. Agent Doering specifically
21 testified it's possible that that's a fully legal
22 business. There's also no evidence that Mr. Aziz owns
23 this business. Over and over Agent Doering was asked
24 that. And, yes, he deflected and said, well, there is a
25 connection. There is no evidence that he actually owns

1 the business or has any ownership stake in the business.

2 Moreover, there's no evidence that Mr. Aziz
3 could or would escape to Canada. Again, without a
4 passport, with his whole family here. All of the
5 evidence is that this is his home. He's tied to this
6 place. He's not leaving this place. He's here to face
7 his charges. Now, there was lots of discussion about 65
8 bank accounts. There's no specific testimony about who
9 those bank accounts belong to. No idea whether Maaz
10 Aziz has access to those accounts. It's all pure
11 speculation. What the government is trying to do here
12 is argue, well, we don't know what their assets are
13 fully yet because we're still doing our investigation.
14 So the absence of evidence should itself be evidence
15 that they're a flight risk. Well, it's the government's
16 burden. Again, this isn't a presumption case. They
17 can't rely on an absence of evidence in order to
18 create -- in order to meet their burden of presenting
19 evidence that he's a flight risk.

20 Finally, there's some discussion about people
21 who commit identity theft being involved in this
22 conspiracy. But, again, there is nothing, as your Honor
23 even pointed out during Mr. Gonzalez's argument --
24 there's no evidence directly tying Maaz Aziz to anyone
25 who did that. There is no evidence that Maaz Aziz has

1 any fake identities, any fake IDs, or anything like
2 that. Again, I believe that Agent Doering repeated, in
3 fact, he has no evidence of that. There is no direct
4 tie.

5 So just because there's some tangential
6 relation, you know, six degrees of separation between
7 Maaz Aziz and somebody who once created a -- you know,
8 might have -- might have committed identity theft,
9 that -- that is not evidence that Maaz Aziz is a flight
10 risk. And we'd respectfully submit that the Court
11 shouldn't take that as evidence that he's a flight risk.
12 One thing, your Honor, that's been mentioned over and
13 over about, well, there weren't disclosure of properties
14 in Plano. In fact, your Honor, because Mr. Aziz is
15 facing a money laundering charge, I brought the list of
16 assets. I spoke to pretrial services. I did
17 specifically mention a -- he owns a property in
18 Runaway Bay, Texas, and he's also listed as a co-owner
19 of real property in Frisco, Texas, which was in the
20 process of being transferred prior to the indictment.

21 Now, why that didn't make it into the
22 pretrial services report I don't know, but it was not
23 because of any attempt to conceal any evidence from this
24 Court. Finally, your Honor, and perhaps most telling,
25 Mr. Aziz's business and home were raided by federal

1 authorities on October -- on August 24th, 2021. That's
2 more than a month ago. And on September 9th, Mr. Aziz
3 was indicted. He learned of the indictment. If
4 Mr. Aziz intended to flee, he would have done so then.
5 But he didn't. In fact, he did the exact opposite.

6 He hired counsel. He willingly surrendered
7 his passports to his counsel, and he willingly offered
8 to surrender himself and his passports to the
9 authorities. Also, if the government was so concerned
10 about Mr. Aziz fleeing, why did they take so long to do
11 a self-surrender? We offered to self-surrender a long
12 time ago. We offered to self-surrender, I believe, the
13 first time on September 9th.

14 He self-surrendered on September 23rd. I
15 understand they say, well, it's a matter of scheduling
16 this and that. Well, why do you -- if there's a serious
17 flight risk, you're going to let scheduling get in the
18 way of letting someone self-surrender. I don't think
19 so. I don't think the government believes he's a
20 serious flight risk. Otherwise, they would have made
21 sure and brought him in long before they did.

22 Look, I don't think there's any better
23 evidence of Mr. Aziz's intention. And what will happen
24 is he's going to stay put. He's going to defend against
25 these charges. He's going to work for Mr. Issa and

1 continue to take care of his family the same way that he
2 has. And I think it's significant, your Honor, that
3 pretrial services has recommended that he be released
4 with certain conditions. And we would absolutely agree
5 that he should be released and that those standard
6 conditions should apply.

7 And, in fact, if there's any further risk
8 that the Court has about Mr. Aziz being a flight risk,
9 he would voluntarily submit to monitoring. We would
10 agree to pay for the monitoring device. Whatever needs
11 to be done -- whatever conditions can be met, I think
12 those conditions can reasonably assure Mr. Aziz's
13 appearance at the proceedings in this case.

14 Also, if there's any concern about any
15 connection between Mr. Aziz and SCS Canada, we would
16 respectfully submit that your Honor could make as a
17 condition of his release that there be no contact with
18 SCS Canada or the cousin who apparently runs that
19 business.

20 Finally, your Honor, I do want to touch
21 briefly on this safety issue, safety to the community.
22 There was a lot of stuff talked about today on that even
23 though that isn't the primary basis on which the
24 government seeks to detain. There's really not any
25 evidence at all that -- that Mr. Aziz has engaged in

1 violence ever. That he has been anything other than a
2 loving husband, a loving father, a good friend, a loving
3 member of his family. He's never exhibited violence
4 towards anyone. Now, although Mr. Aziz does lawfully
5 own firearms, the FBI did not seize those when they
6 searched his home. Furthermore, those firearms have
7 also been provided to counsel, and we will secure those
8 firearms. And Mr. Aziz understands he will not be
9 getting those firearms back prior to trial.

10 And to the extent that the government
11 suggests that Mr. Aziz poses a further risk of economic
12 harm to the community, that argument's also without
13 merit, your Honor. The government has seized the
14 business that's the subject of the indictment. And
15 Mr. Aziz, as Mr. Issa testified, has secured a good
16 playing job with a long-standing family business. But
17 simply there is no threat of any kind of harm to the
18 community, economic, violence, or otherwise.

19 Finally, your Honor, I do want to address the
20 point -- and I think it goes hand in hand with this
21 notion that the custodian isn't suitable. Mr. Gonzalez
22 says the -- Mr. Aziz's custodian isn't suitable because
23 he didn't know everything that Mr. Aziz did. Well,
24 those are allegations, your Honor. Those are
25 allegations of what Mr. Aziz did. This is not proven.

1 This -- you know, that would take away his right to
2 trial to suggest that, well, Mr. Issa wouldn't be a
3 suitable custodian because he doesn't know what the
4 government's alleging against him. These are simply
5 allegations.

6 In short, your Honor, we would respectfully
7 submit that the government has not met its burden of
8 showing that Mr. Maaz Aziz is a serious flight risk, but
9 even if your Honor is concerned that he is a serious
10 flight risk, we would respectfully submit that all of
11 the conditions laid out in the pretrial services report
12 that recommended his release with conditions, including
13 conditions related to SCS Canada, conditions related to
14 a monitoring device should be sufficient to reasonably
15 assure this Court that he will appear for proceedings.
16 Long-standing ties to this community. Long-standing
17 familial, economic, and social ties to this community.
18 This man would never leave his family, and he's not
19 going to if you release him, your Honor.

20 Thank you.

21 THE COURT: Before you're seated, sir, can
22 you tell me -- you referenced during your argument here
23 today that you provided the list of properties to
24 pretrial, and so to the extent that it's incomplete,
25 that that's on you.

1 Can you help me understand why you waited
2 until now to bring that up?

3 MR. WOHLFORD: I honestly did not realize,
4 your Honor, that those were omitted from that. I have
5 the sheet here that I had that I was using to provide
6 the information to pretrial. The last two bullet points
7 are Mr. Aziz owns undeveloped real property in
8 Runaway Bay, Texas, and Mr. Aziz may be listed as a
9 co-owner of real property in Frisco, Texas, which was in
10 the process of being transferred prior to his
11 indictment. Your Honor, until it came up late in the
12 day that that -- that that wasn't disclosed and the
13 suggestion that it wasn't disclosed, that totally
14 escaped my mind. That is on me. That's absolutely my
15 fault. I fall on the sword on that.

16 But I'm representing as an officer of the
17 Court that I -- this is the sheet that I used to provide
18 the list of assets and liabilities to pretrial.

19 THE COURT: Mr. McCarthy, your remarks.

20 MR. MCCARTHY: Briefly, your Honor, I agree
21 with probation. There is certainly conditions that he
22 could be released on. I also agree with the FBI that he
23 is -- in his 15 years never seen somebody make this
24 effort to turn himself in, and he is correct.

25 The standard here is not -- as the Court is

1 well aware, is not could and it is not might. Could he
2 be a flight risk? He might go out and deal in the
3 future in stolen property. I mean, that seems to be the
4 underlying argument here. As the Court is aware, the
5 Bail Reform Act clearly favors non-detention in the
6 Fifth Circuit. The conditions must be the least
7 restrictive.

8 So here we are -- he has zero conditions. He
9 has no conditions at all the past month. And what did
10 he do? We sent a surrender letter saying we'll give you
11 the passport. He wrote a letter to you. He wrote a
12 letter to Judge Johnson and anybody else pretty much
13 that's involved in this thing. An e-mail went to
14 Mr. Gonzalez basically reiterating the offer saying
15 we'll bring him in. He went down to the Euless Police
16 Department meeting with Officer Norwood to try to turn
17 himself in. Then he self-surrenders. And this is after
18 he's been indicted. He's got four major counts. I
19 don't think the idea that the government showed a
20 PowerPoint that was about 90 percent of other people is
21 going to scare them in running for the hills. I just
22 don't think that's realistic in the context of
23 everything we've seen. So that's what we have on flight
24 risk.

25 And then on top of it, then we add the deep

1 family ties. He's got two little kids here. His wife
2 just said if the Court wants, they'll easily give over
3 their passports for the children and his wife here. His
4 home is here. His mortgage is here. He has -- he has
5 new employment now here if he ever gets out. His past
6 conduct -- he has no criminal history whatsoever. So
7 looking at are there conditions or accommodation
8 conditions that will reasonably ensure the defendant's
9 appearance -- is he a flight risk? I think the evidence
10 is -- he was -- even though it's not on us, is
11 overwhelmingly yes.

12 And then they attack the custodian because
13 she doesn't know enough. I mean, it's kind of like a
14 "Catch 22." It's like, well, you didn't know about the
15 stolen goods. Well, if she did, she would be a terrible
16 custodian. She should be indicted. So, you know, we
17 lose either way on that, according to Mr. Gonzalez.

18 So I would just ask the Court to consider the
19 reality of this. We all know this case is probably
20 going to take a year or two to try. I mean, do we
21 really think there is no conditions and he has to sit in
22 jail for the next year or two given this scenario? And
23 I'm hoping and I believe the evidence supports the fact
24 that the answer is no.

25 THE COURT: Thank you.

1 All right. Counsel, anything further that we
2 need to discuss before we proceed?

3 Mr. Gonzalez?

4 MR. GONZALEZ: No your Honor.

5 THE COURT: All right. Mr. Wohlford?
6 Mr. Castle?

7 MR. WOHLFORD: No, your Honor.

8 THE COURT: And Mr. McCarthy?

9 MR. MCCARTHY: No.

10 THE COURT: All right. Gentlemen, at this
11 juncture, the Court is leaning towards releasing your
12 clients. There is an issue that I desire to research
13 this evening before making that final determination. I
14 don't see a significant number of (f)(2) only cases.
15 And so I need to look at the burden on the initial
16 threshold determination before I make a final
17 determination.

18 But I'm telling everyone here that I am
19 leaning towards release. And as a result, I believe
20 that the government has already advised that if the
21 Court does determine to release, that they will be
22 requesting a stay.

23 Mr. Gonzalez, is that correct?

24 MR. GONZALEZ: That's correct, your Honor.

25 THE COURT: Okay. It is the practice in this

1 district that the magistrate judges grant the stays when
2 they are requested. And so I will notify everybody
3 before noon tomorrow of my final determination whether
4 I'm recommending release or detention.

5 Notwithstanding whatever my recommendation
6 is, if I recommend release, that will be automatically
7 stayed, and it will be presented to the District Court
8 for consideration.

9 Government, how long would y'all -- if you
10 have an ultimate need to file a motion to stay, would
11 you be able to file that by Thursday?

12 MR. GONZALEZ: By Friday, your Honor.

13 THE COURT: Okay.

14 MR. GONZALES: Could I have until Friday?

15 THE COURT: Okay. So the motion will be on
16 file by Friday for the District Court's consideration.
17 That will trigger y'all's response deadline to the
18 motion to stay and requesting for the District Court to
19 make an alternative determination. I will go ahead and
20 order that the transcript from today's proceedings be
21 prepared so that that can be filed on the docket and
22 will be available to the District Court for his
23 consideration on that motion.

24 Mr. Gonzalez, anything further?

25 MR. GONZALEZ: No, your Honor.

1 Thank you.

2 THE COURT: All right. Mr. Wohlford,
3 Mr. Castle, anything further? Any questions about the
4 information I've given you at this juncture?

5 MR. CASTLE: No, your Honor.

6 MR. WOHLFORD: No, your Honor.

7 THE COURT: Okay. And Mr. McCarthy?

8 MR. MCCARTHY: Judge, just briefly just for
9 the record, if there is an initial determination by you
10 that he be released, can he be released --

11 THE COURT: Not pending -- not pending the
12 District Court's determination.

13 MR. MCCARTHY: I just wanted to ask for my
14 client.

15 THE COURT: Yes. No. The Court's practice
16 is that when there is a stay requested by the
17 government, there's maintenance of the status quo until
18 such time as the District Court makes a determination.
19 And so whether I order your client detained or released
20 tomorrow before noon, he will remain in custody until
21 such time as Judge Jordan has an opportunity to review
22 any determination that I've made.

23 All right. I should ask the flip side, too.
24 Gentlemen, if the Court desires or determines to detain,
25 are you also going to be requesting reconsideration at

1 the District Court level?

2 MR. CASTLE: Yes.

3 MR. MCCARTHY: Yes, your Honor.

4 THE COURT: I'm shocked.

5 Okay. So whatever the situation -- whether
6 it's the government or whether it's you gentlemen, any
7 motion requesting reconsideration or the stay has got to
8 be on file by Friday. But either case, I'll go ahead
9 and get that transcript ordered so that it will be
10 available to the District Court and y'all can pursue
11 your motion practice before him, all right?

12 Okay. Thank you everyone so much for hanging
13 with us for as long as you did today.

14 With this, the Court will be adjourned.

15 (Court adjourned at 6:19 p.m.)

16 * * *

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18 COURT REPORTER'S CERTIFICATION

19 I hereby certify that on this date,
20 October 1, 2021, the foregoing is a correct transcript
21 from the electronic record of proceedings.

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APRIL D. HARGETT, RPR, RVR